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LIFE AND CORRESPONDENCE

OF

FRANCIS BACON.

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THE
LIFE AND CORRESPONDENCE

OF
FRANCIS BACON,
VISCOUNT ST. ALBANS,
LORD CHANCELLOR OF ENGLAND.

"THE WISEST, BRIGHTEST, MEANEST OF MANKIND."

"The gods are just, and of our pleasant vices
Make instruments to scourge us."

LEAR, ACT V., SC. 3.

"Thou hast drawn together all the far-stretched greatness, all the pride, cruelty,
and ambition of man, and covered it all over with these two narrow words,
HIC JACET."

RALEIGH's 'HISTORY OF THE WORLD,' p. 776, ed. 1614, fol.

"Est boni judicis ampliare justitiam."



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1861.

~~200. b. 178. 4. 36.~~
210. R. 352.





PREFACE.

THE "Ancient Mariner," who so inconsiderately seized the wistful wedding guest by the button, and detained him in spite of champagne, pretty bonnets, bridesmaids, and bon mots, is not more impatiently listened to than an author in his preface. Moreover, though an author may, by virtue of a staggering gait, and an incoherent manner, vindicate his claim to be an "Ancient Mariner," he has no such interesting story to tell, and is traditionally supposed to be bound to furnish a highly decorous preface for a serious historical book.

In the commencement of the present year, a work which professed to furnish a new biography of Lord Bacon, from papers never before published, was issued from the press. Being abundantly praised in print by various critics I was induced to read it. Smart and flip-pant in style, bold in assertion, with all that fluency which practice in a comparatively mechanical art gives, and gives most readily, in the absence of every other

merit ; I had scarcely turned a dozen pages before I discovered, that it contained barely one reliable statement, or a single fact. That its quotations and reports were garbled. That where it professed to give the sense of a speech not one feature of the original was preserved, and that it was frequently impossible to trace the authority in its new aspect. That, in addition, it was full of the most ludicrous blunders in history and in law, as well as purely romantic as to facts, being, it might be, a life of Cicero, but certainly no life of Francis Bacon. Amazed by this circumstance, and by the comparatively favourable nature of the criticisms and notices it received, I was at a loss, in the frequent failure of really admirable works, to account for the phenomenon ; when I discovered that the book was written by the Editor of a literary journal, and that its criticisms were, in great part, furnished by his possible and actual contributors.

At this point I am tempted to diverge, for an illustration which occurs to me.

Some years since, while visiting a large provincial town, I was seized with a violent toothache. I sought a dentist. A huge double house at the corner of the market-place, which no longer bore aloft that Delphic tripod which once mystically signified that teeth were drawn on the premises, but in place thereof a resplendent lamp, convinced me that the object of my search resided there. But if any doubt lurked in my mind as to the fact, a huge brass plate, large enough to represent the ostenta-

tious expenditure of a charitable institution, satisfied me on the point. The door might have represented a civic feast. The door-plate formed a grand centre dish, supported at one end by a brass letter-box, on the other by a brass knocker, and flanked on either side by two bell-pulls, equally polished, lustrous, and brazen. One of these last I pulled, and from the echoes it invoked, and its sonorous clang, I felt that it would have graced an enchanted castle. A footman with buttons, and a face, of the brassiest, opened the door, and deported me into a room in which were seated several miserable sufferers, called, deridingly, patients, waiting till the great professor was at liberty.

It matters not here, the sufferings I endured under his hands when my turn came. How he wrenched and tore and twisted ! I knew little (fortunately for myself) of his art, and concluded his violent gymnastic efforts were part of the ceremony ; but it is sufficient for me to declare, that after an hour's intense pain, and three days' continued suffering, inquiry of a respectable practitioner convinced me that I had been imposed on. That an exorbitant fee had been extracted, but that the cause of my suffering had not, but in place thereof, two perfectly sound teeth, whose loss I shall have occasion to regret to the day of my death. That, in other words, this respectable professor was an impostor and a quack, who richly deserved the pillory, but who, in place of gaining his deserts, was a thriving and successful man.

This story I wish to apply. Observing shortly after a magnificent puff of this charlatan in the most influential local journal, I called on the Editor, with whom I was acquainted. Visions of suffering wretches, defrauded, maimed, maltreated, passed before my eyes, and I was indignant. To my surprise, on declaring the imposture, he received it as a matter of course. "Of course he is an impostor, we all know that; but he is a capital advertiser, the other papers support him, he lives in a good house, and I can't afford to differ from them." But consider the wrong to the public, I pleaded, the extortion. The answer was simple, "The public like to be imposed on; they prefer it. He is at least as good an impostor as any other. You know the lines,

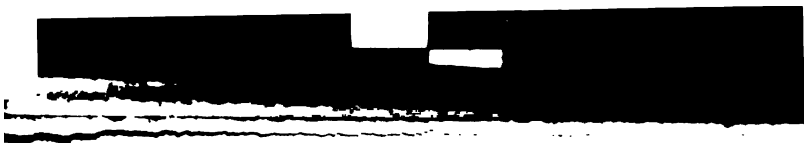
'Doubtless the pleasure is as great
Of being cheated, as to cheat.'

I was not satisfied, but I departed with this assurance. Recently, on an offer to expose a similarly brazen imposture in a review, the answer of the Editor was the same. "The public prefer being cheated. The book is to some extent smart and flippant. They like flippancy; of course I don't believe in its statements, or its history, or in fact in anything connected with it, but the public like it."

This idea of a public, which, resembling the eel, prefers to be denuded of much which might be presumed to give a charm to existence, has scarcely the advantage of novelty. That the proposition is true is really doubtful. Whether men like habitually to be deceived, and prefer

smart works, because they are not true, because honest books and facts are dull, is at least an uncertain fact. I think the moral of this preface needs no further elucidation. I have conscientiously attempted to furnish, from authentic facts and documents, a biography of Lord Bacon, in the confidence that its accuracy will be no hindrance, perfectly prepared to be corrected in my errors, to be castigated for my faults, but quite content if a book which is in the main most accurate and truthful, secures the recognition freely accorded to a work, which could make no pretence to be anything of the kind. That it can by no possibility be as interesting as a work of fiction I will at once concede ; but hoping that it will, making due allowance for the dulness of truth, be considered readable, is of course the hope of the public's obedient servant,

THE AUTHOR.



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* From the circumstance that Polonius' advice to his son is copied from and improved upon Burleigh's advice to Robert Cecil, it has been assumed that Burleigh and Polonius were the same, though there is, I believe, no other foundation for the belief.

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THE LIFE OF LORD BACON.

CHAPTER I.

IN the history of every nation, and probably in the history of every unit of that nation, there is a kind of borderland between the world of fancy and of fiction, and the world of fact and reality. We look back to our childhood, when our impressions of the beauty of material things wore an exaggerated and splendid aspect, contrary, as we know now, to their reality, and which was, in fact, what Lord Bacon has himself called "an accommodation of the shows of things to the desires of the mind." Similar to this, but springing from a widely dissimilar cause, in the history of every people there is a debatable ground of fable, wherein heroes walked the earth in the guise of men; when men born of the gods, having converse with the powers of air, men of immortal origin and immortal deeds, fought and lived and suffered, as an example to their fellow-men. We are familiar to-day as if they were our own, with the Heroes which the most imaginative and most highly-gifted race of antiquity assigned to this period in their historic life;—with Hercules, the mighty worker, self-sacrificing, loving labour, mightily endowed, valiant beyond measure, full of griefs for miseries he could not alleviate, as he appeared

in the ideal of Lysippus, and then a prey to sloth and effeminacy ;—with Ulysses, the image of restless adventure ;—with Nestor, wise in counsel, cautious, and sage. These were real men to the Athenians. 'The 'Iliad' was, as we know, received as history, referred to in debates between rival states, and was in all respects honoured as if its heroes were gods, whose splendid achievements were not merely ever worthy of veneration, but ever to be the standards of emulation and of active example.

That a similar reverence for a remote history existed in the Roman, the Jewish, the Egyptian, the Scandinavian mind is certain. Probably the feeling, in origin as in utility, has been universal. The Englishman of to-day, however, has no such past to look back upon. The saints in his mythology are too mythical to interest him. But he can turn with reverence to a period scarcely three hundred years removed, when his nation as a Christian nation first came into existence ;—when the sun of chivalry and fable and romance set for ever ;—when a faith that was a sentiment departed, and a religion that was henceforth to be based on reason, that was to satisfy the loftiest wisdom no less than the most implicit reverence, was to be inaugurated ;—when the men, like Jason and Theseus, were to be men of immortal deeds—men who were to combine within themselves the attributes of the preceding and of succeeding ages, the chivalry, adventure, and daring of a feudal period with a wisdom, a public spirit, patriotism, and accomplishment that serve for example for many ages coming after. The genius and attributes of the men born between the year 1550 and the year 1600, compared with that of the leading minds of any

successive period, are in wide contrast. Who would compare the best men of the days of Waller, of Pope, of Johnson, or of Byron, with the Elizabethan men? The Standard of no subsequent period has been of the same lofty and universal character. Somers and Mansfield were great lawyers, nobly gifted in every sense, but they could in no respect compare with Coke. Newton's philosophy was even less calculated than Bacon's for universal guidance and acceptance, being rather in application than creation; and surely no poetry can be classed with that of Shakspeare.

In a period like this, a competitor with men nobly gifted as himself, Francis Bacon was born—in an age, in which not merely the acts, but the actors seem heroic, all but fabulous. The son of a Lord Chancellor, or, to speak with more accuracy, a Lord Keeper, the highest law officer under the crown, entitled, by virtue of his noble office, to take precedence next to the blood royal. A recent and gifted historian has said that no great statesman is born of a nation of fools—no great general of a nation of cowards; asserting, in fact, that man is a component part of his age: and his proposition can scarcely be questioned as a general truth, though liable to peculiar exceptions. Francis Bacon is but an instance of its accuracy. He was the contemporary of Shakspeare, Raleigh, Burleigh, Walsingham, Winwood, Wotton, Ben Jonson, Spenser, Sir Philip Sidney, Michael Drayton, Hooker, Fuller, Beaumont and Fletcher, Massinger, Essex, Southampton, Overbury, Northampton, Camden, Coke, Drake, Frobisher, Howard of Effingham—all men eminent in their intellectual gifts, and qualified by their elevated attainments to grace any station in the world's

history. Yet he was "as Hesperus among these lesser lights." Of all its Heroes as scholar and philosopher the wisest. His life has thus interests to us neither limited nor confined to its merely personal history.

He has a tie nearer and dearer to us as Englishmen. He rose the brightest intellectual light of his age to grace the dawn of learning—not merely a man endowed with the richest philosophic genius of his time, but of that first rank of that first order of Creative minds, whose proud and pre-eminent distinction it is, to frame laws for the universe, to become the founders of empires in the realms of thought (if the image may be allowed), the legislators of a philosophy as likely to be eternal as the language in which it is enshrined; his mind so far representative, that one of the proudest distinctions of his race is to be honoured through him.

Bacon appeared in a culminating period, as it seems now, even of Universal History. In a confluence of time. In an epoch nationally of more splendid intellectual activity, more enterprising, more chivalrous, more adorned and graced by poetry and wit, as profound in scholarship, as deep and earnest in its sympathies, as distinguished for the acuteness of its theologic acumen, as original in its grasp, as any in the world's history. It may be doubted whether the ages of richest intellectual endowment, Athenian, Roman, or Florentine, equalled in power, originality, or mental resource the fifty years between 1560 and 1611. But of all the great men that adorned that age, that made it so illustrious, he was, saving one, the greatest. This is one reason why his personal history, his life and character, are important. But there are other

motives to guide us to its consideration. He was a leading Statesman in the most stirring and eventful period in English history. I say advisedly the most stirring, because in the fifteen years which saw Bacon floating with wind and tide, under the summer's sun of Kingly favour, to power and prosperity, England fell from loyalty far down to revolution; because within that time every right of Kingly Prerogative which led to the breach between Charles I. and his parliament was advanced and contested; and because it was a period of Crisis between the absolute power of a Monarch, on the one hand, and the absolute rights of a People on the other.

It is usually as difficult to trace the encroachments of the tide on an ancient land-mark as to define absolutely a precise period of change in history. Yet the life of James I. enables us to do so. He found a loyal people, and he left them discontented; he found them the willing subjects, in fact, of an all but arbitrary dominion, he left them contesting the right to question every act of kingly prerogative. Resolutely bent on asserting every legal right of their great inheritance, so long held in abeyance. Every constitutional privilege which we now possess was, by force of oppression, asserted in his reign. Every feudal right, which centuries of prescription had consolidated, was in turn to be disputed by his parliament. Every abuse, which the most despotic monarchs since William the Norman had attempted, was in turn to be tried by James. He was determined to rule with more than imperial power. He would become the founder of a new state, of a more absolute monarchy. The decrees of prerogative, that so long had slept, he would wake. They had

fallen into disuse, had become like forfeits in a barber's shop, as well in mock as mark. Henceforth they shall be living Statutes, a terror to all offenders.

The power of granting arbitrary patents or monopolies to favourites, of pardoning criminals justly condemned for crimes against the state, to burn heretics, by an arbitrary writ, for nonconformity in religion, to issue proclamations which should have the force of law, to tax without consent of parliament, to imprison without fair trial, to apply the torture of the rack where evidence of guilt failed, to reverse acts of parliament by a "Non Obstante,"* and to apply this power of "Non Obstante" to civil as well as criminal cases, to demand money, in form of a loan or free gift as "A Benevolence," and to exercise an unconstitutional and inquisitorial jurisdiction without the proper formalities of evidence, on information "Ore tenus," and without any of the elements of a fair trial, were only some among the several powers and privileges claimed by James I. as King. In all these claims Bacon was James's legal adviser. He was the King's putter on. James's prerogative never soared so high, never swooped so low, as during Bacon's Attorneyship and Chancellorship. The worst period in James's life is that in which Bacon ruled. If James attempted pernicious and scandalous infringements of law, Bacon was there to advise, to justify, to enforce them. If to the King's name belong the lasting disgrace of torturing the innocent, of breaking the

* Simply and in non-legal phraseology, this phrase implied a prerogative appertaining to the crown, which gave the King the power of frustrating at will all verdicts in the law courts, or of nullifying any act of parliament that was contrary to his will and pleasure; thus it might stand as the symbol of arbitrary power.

law, of violating the rights of his people, to Bacon belongs the dishonour of inciting him. If the King's public acts were infamous, his reign profligate, his court debased and servile, to Bacon attaches the shame of being adviser in chief in the most infamous of those acts, of being, if not the most profligate, the most servile of his public servants. Of all James's reign, the six years inclusive from 1614 to 1620 were the worst. This is precisely Bacon's reign of power. To Bacon belongs the pre-eminent distinction of being the boldest adviser of the most audacious attempts ever directed against the liberties of Englishmen. Jeffries and Scroggs dared nothing so fatal. Their labours were open; Francis Bacon's were secret and insidious. Theirs were brutal, and bore condemnation on their face. His were graced by every resource of oratory, adorned by every charm which a courtier-like manner, a Machiavellian art, could insidiously wind about them.

There is an additional aspect of historic interest in Bacon's life to us. He is witness against himself. In his letters we shall read how he advised the King to use torture where evidence of crime failed, in other words, against innocent men. How, in zeal for his own advancement in honour—what a mockery the word seems!—he stood by and superintended the racking of an old grey-headed man, nearly seventy years of age—a clergyman, sacred by his holy office, by his grey hairs, and that not merely in defiance of the law of the realm clearly established, but with this terrible aggravation, that the victim was an innocent man. We shall see how he advised the King to “Star-Chamber” the judges, in other words, to fine

or imprison them, and dismiss them from their office, if they gave decisions contrary to the King's command. We shall see how he urged "arbitrary taxation" on the King. How he sold justice for a mess of pottage. How he sat in judgment on men, and condemned them for just accusations against himself, thus building crime on crime. How (as Mr. Hargrave has drawn the distinction) he sold not merely justice but injustice; how he lied, and crouched, and fawned, and flattered, to enrich himself and to enslave his country.

Bacon stands aloft, proudly pre-eminent in his great gifts in philosophy. He is not a whit inferior intellectually as a statesman. Since the days of Nicholas Machiavelli, no more astute politician has lived. In tact, in craft, in subtlety, in subdolous and insidious practices he was never surpassed. He stands grandly, in the eye of history, between the King and his subjects; between a Monarch determined to stretch his power to the uttermost and a people bound to maintain their rights—between a Ruler resolute to advance new privileges and enforce old ones, and a people compelled by necessity to deny both. His life is to this extent history; and although it unhappily offers no vistas of lettered ease, of happy friendships, of consecrated ties of union and love, of that delightful interchange of wit with affection, of learning with elegance, of the graces of strength with love, which has thrown a charm round the lives of many gifted men, it still invites us to its contemplation. It gives glimpses of the struggle for freedom of our ancestors, not the fight open and on the field of battle, but of the more fatal and deadly war of power, against law and

justice. It opens lights to the stirring epoch of the busiest and grandest age of English Glory ; of the days of the fight of Cadiz ; of the contest of Greville, in the ship ' Revenge,' against fifteen of the enemy, towed in unbeaten, in honour by his foes ; of the gathering at Tilbury and the dispersion of the Armada ; the burning of heretics ; the conquest of the New World ; the progress of the Reformation ; the translation of the Bible ; the sufferings of martyrs ; the establishment of the National Church. All these took place in Bacon's day.

The reader has neither time nor inclination to stay out the whole play, but the curtain will draw up on a state of society little less animated or lawless than the days of the Montagues and the Capulets. The theatre, the stage, the actors are colossal. Feudal pomp and magnificence still shed their lustre on sublunary things. Chancellors, prelates, ambassadors, and knights, pass and repass, with armed retainers at their backs. There are masques and tourneys, triumphs and processions. The stage seems filled with some splendid pageant. Yet 'tis the glory of a setting sun. Chivalry is dying and Puritanism is rising above the horizon. As the old life slowly ebbs away, the two dynasties in conflict unite like separate fires in one flame. Looking back we see a gulf as between two cliffs rent by the hand of Nature, a whole world of thought and feeling in the chasm between. Across this Shakspeare strides. Like the old Colossus in that Rhodian promontory, he is splendidly honoured by the setting sun and the rising moon ; as he flames his light far into the blue Ægean, he flings back beams from both.

Deeds, says Lord Coke, must be read by the light in which they are framed. If this is true of what men write, how much more true is it of what men act! The whole epoch of Bacon's life was an era of vehement contrasts. Courage and intellectual independence were combined often in the same persons with great servility, and an all but profane loyalty. Barbarity and cruelty dwelt hard by extreme tenderness and deference to woman. A treachery and duplicity at court, in the days of his boyhood, hardly surpassed by that of the Borgias, and reputed to stop neither at the Assassin's knife nor the ready recipe of the poisoner, was found in conjunction with the warmest friendships, with the most enthusiastic zeal of personal service for kinsmen and friends. It was an age of great virtues and terrible vices—of intellectual splendour, of moral infirmity. Strength of desire stimulated cupidity; intensity of will lent power to evil aspirations.

Francis Bacon was the son of a judge who had diplomatically preserved his place through two reigns of opposite politics, religion, and character; it is said, by an equal zeal in both creeds. Dudley, the reputed poisoner, the destroyer by secret practices, if rumour is to be trusted, of many lives, was the Queen's first favourite at court. The open profligacy of women is a marvel to those who gaze on the unsullied page of Shakspeare. But bad as was court life in Elizabeth's day, it became even more dissolute and abandoned in the reign of her successor. The sports and punishments of Englishmen were alike for their barbarity a marvel to foreigners. "Bad deeds lived, but worse remained behind."

It was Francis Bacon's calamity to be trained early in

the atmosphere of courts. Before boys have mastered their horn-book, he knew something of that "sweet aspect of princes which knows more perils than wars or women have." He was as a child the plaything of the virgin Queen Elizabeth, then some forty years of age. He early learned how precarious was the path about the precipice which climbs to glory—how small a slight will make a monarch resent—how much it needs to make him forgive. His father had long trodden safely and surely. He had been the bosom friend, as he was the brother-in-law, of the great Lord Burleigh, for forty years the Queen's prime minister—a man of moderate, rather than of splendid gifts, endowed with sound sense, whose maxim, "*Mediocria firma*," says more for his sagacity and prudence than for his courage or greatness of soul. Sir Nicholas, helped by Burleigh to his place, had become the honoured and trusted servant of the Queen. But Francis Bacon, the son, was of another nature, of a different temper.

Conscious of a superior ability, of more splendid endowments, He, with all the strength of a strong will, hungered and thirsted after power, and fame, and all that consecrates Ambition as a duty. He lusted after public life: he felt it, perhaps, the only theatre for a man of his splendid accomplishments and oratorical gifts. What a courageous man would have won by daring, and an impetuous temper wrung in despite, from fortune, his cautious and obsequious nature, derived to some extent from both parents, would seek, by gentler means, by wise policy and wilier acts to win. But fortune is a woman as often won by storm as prayer, giving way to desperate wooers, and

slighting the prudent and careful swain. Bacon's life for many years was an unsuccessful one. He was up till nearly forty years of age that most unhappy of neglected beings, a briefless barrister, but narrowly escaping that other imputation, charged upon Fielding once, of being also a "broken wit." In the year 1601, when Bacon was forty years of age, he had done comparatively nothing to entitle him to respect. His volume of *Essays*, published in 1597, was, it is true, a success; but they were, as it should seem, a mere afternoon's labour for his noble mind. They were only ten in number, and not a tithe of their present bulk. All his practice at the bar had been gained by cringing and begging from the Queen. He had dared little, and suffered much. All his deeply-laid policy of advancement, his hopes of preferment, his early visions of promotion, of service in the state, and high employment, had been overturned by accident. This was his fate through life. What earthly wisdom could accomplish Bacon achieved. What plot and counterplot, what subterfuge and evasion, what protestation and flattery could reach, He gained. But who can constrain fate? His deepest policy was blown about by accidents. Cecil Lord Burleigh opposed him, because he had a son, Robert Cecil, poor in gifts of person, and with a shrewd wit, but who was no match for his cousin Francis.

The Queen disliked him; took strange prejudices at his acts; wherefore he knew not. He deserted Burleigh, and hung on Essex; played fast and loose; made terms with both, and served neither; and when he bound himself firmest to Essex, Essex was ruined; and when he returned to Cecil, Cecil could afford to despise and spurn him.

At last there was an opening to gain his sovereign's favour, first as the friend, then as the enemy of Essex. By treachery to his best benefactor he could win the Queen, who now hated Essex as only a despised woman can, with that bitterness of hate which boys read of as the *spretæ injuria formæ*. He became treacherous, bartered his honour for promotion, and rises. Swiftly as he soars, his wings melt, for that Queen dies, and the friend of the man so cruelly betrayed is King.

Again he plays for royal favour; plays high and wins. He is on the road to power. Now his brains have fair play; now his wits have a chance. He labours on, like the mole, from point to point, but always crawling, always blind; becomes Attorney General; will be, he thinks, prime minister by-and-by; when a child, with a baby face—a mere cub of a lad, not half licked—steps between him and the King's favour, and dissipates his vision to the winds. He begins again; toils surely and slow; wins the favourite; again advances; becomes Lord Keeper, Lord Chancellor; thinks now how he may spurn his patron, the cub; by-and-by, kicks at him, and to his amazement, the rebound nearly flings him from top to bottom of his hard-earned path. One blow more, and his ladder would have been flung from the tower, and he would have lain maimed and broken in the ditch. He begins anew, and for more than three years his path is still upward; and now he is crowned indeed, for he is made a peer. 'Tis his seventh triumph, so he counts it on his fingers; when there comes a blast as from a trumpet, and Francis Bacon, Lord Verulam, falls as by a thunder-stroke from his place.

The People whom he spurned, and scorned, and defied,

have risen, and in a day he is overthrown. He, a son of Adam, is driven from the home he kept, the court he graced, the paradise he loved. He retires into contemplation and an unquiet life, with the consolation, denied to some gamesters, that having played a large stake and lost, he has still a noble residue in "vast contemplative ends" left.

This is, in brief, the story of Bacon's life. But I have no right to forestall it. It is my duty simply to show how one of the mightiest intellects of the human race was also one of the meanest. Pope's line has never been supposed to be absolutely exact, by any one above the meanest comprehension. Neither Pope nor any other Poet could say who was the brightest, who the meanest among men. That power is left to wiser than mortal vision. But Pope could declare, what I affirm, and here attempt to prove, that Bacon was, if not the meanest, one of the meanest of mankind. The task may seem an ungracious one. I have his lordship's warrant for it in the cause of truth. He has said that "the apotheosis of error is the greatest evil of the understanding," and has especially cautioned man against "making knowledge dictatorial," or believing only what he prefers to believe.

Lord Campbell, concluding his discriminative life of Bacon, is constrained to speak thus: "It is with great pain that I have found myself obliged to take an impartial view of his character and conduct; but to suppress or pervert facts, to confound moral distinctions for the purpose of holding him as a moral being, which should be kept well defined and well apart, would be a vain attempt to do honour to his genius, would not be creditable to

the biographer who sees his faults, and would tend to demoralize as far as it might be effectual." Yet Lord Campbell leans to mercy ; he is more lenient than crimes such as Bacon's deserve. He is awed by his great reputation, and, to use the image of Macaulay, has judged "Manlius in sight of the Capitol." He has even, in one or two instances, been led aside to praise undeservedly. He makes it appear that Bacon was diligent as a public servant. Yet even that merit cannot be conceded. His lordship draws a picture of his diligence in Chancery. This is Bacon's own narrative. It is rebutted by contemporary evidence. In 1617, Chamberlain writes that he is remiss as Lord Keeper ; and in 1619, that as Chancellor he is so tardy that an assistant keeper is suggested. Lord Campbell makes him retire to philosophic ease and content. Even this must be denied. His begging letters for place and pension contradict even such a hope. Such instances are not given now in refutation, but are supplied merely to show that Lord Campbell, so far from being severely censorious has, if anything, been too favourable. If his decision is less laudatory than Macaulay's, it is also less severe. Yet a book has recently appeared, which it will be my duty to notice, impugning his veracity and temper. No such book was needed. Its purpose is no less false than unnecessary, as I shall presently show. Yet I cannot conclude this chapter other than by expressing my regret that the interests of truth force on me the task of justifying Pope's verdict of "brightest, meanest of mankind."

CHAPTER II.

THE attributes of blood and lineage have by universal consent been supposed to some extent transmissible. Without affirming, in all its consequences, an opinion which has, from unintelligent acceptance, degenerated into a prejudice, analogy illustrates the fact that temper and training, organization and capacity, are sometimes transmitted from sire to son. The same manly courage, the same love of liberty, the same Protestant predilections, inspired the great family of Nassau, through three or four generations. The Plantagenets were a Kingly race. The Tudors were all imperious, yet conciliatory, strong-willed and gracious, and, as it seemed, born to rule. Opposed to this, Shakspeare, a greater than all, had no ancestral distinction on either side. If from the blood of the Ardens he gained something, it is still clear that neither previous training, nor splendid ancestry are essential to produce even the very loftiest aspect of human attributes. This is in the strictest analogy with every law regulating blood and race in the inferior animals. There must be inheritance of noble qualities on one side or the other; but they may be so remotely derived, tha

it concerns neither Biographer nor Genealogist to trace them other than as matter of curiosity.

In Bacon's case, our genealogy may be brief. His father was a distinguished judge and statesman—the most successful, if not the ablest lawyer of his day. His mother was one of the most accomplished members of the most highly educated family in England. It is to this cause, doubtless, that much of Bacon's genius is to be referred. It is needless here to insist on a possibility which forces itself on every person who has ever given consideration to the subject, that much of the splendour of the Elizabethan age, if not all of it, is directly attributable to a fashion of educating the female mind to an eminent degree. The mother of Francis Bacon was one of five sisters, all similarly learned, the daughters of Sir Anthony Cooke, tutor to King Edward VI. Having no sons, in pursuance of a theory that women could be as highly cultivated as men, Sir Anthony trained them in Latin and Greek, till they were as conversant with the learned tongues as the most polished scholars of the day. Francis Bacon justified Sir Anthony's wisdom. His mother, Lady Ann, was not merely an able theologian, but was competent to correspond in Greek, and so accurate in her scholarship as to have translated Jewel's 'Apologia' into English, it is said, without the author being able to suggest a single correction. Whether this was a gallant compliment of the learned bishop, or he was more easily satisfied than authors of the present day, or the story must be accepted with limitations, it would be difficult to say. But in either aspect it says much for the lady's learning.

Some of her letters to which we may have occasion to refer will prove her no mere pedant, but an eminently practical, worldly-minded, and sagacious woman, of a somewhat severe temper and a peculiar subtlety of disposition, which, it is not unfair to suppose, she transmitted to her sons. In all her correspondence, no matter how trivial its purport, there is a strict injunction in each letter to burn or conceal it, which shows an apprehensive nature. So far as her character can be gleaned from her correspondence—and no history of this erudite lady is in existence—she was an admirable housewife; and we shall find a vein of practical sagacity, a business-like aptitude, an energy in emergencies, in each of her sons, coupled with a singular reticence, and, it cannot be questioned, extraordinary diplomatic astuteness.

It would be impossible to separate, from the scanty knowledge at our disposal, the father's from the mother's lineaments in the gifted son, Francis Bacon. His father, Sir Nicholas, was a man of undoubtedly solid gifts, with a happy and facetious humour, rather marred by a love of ease, and restrained by an unusual, but in those days of danger and change, not unnecessary prudence. An eminent historian has distinguished him as the type of a class of statesmen who were his contemporaries, "who resembled each other so much in talents, in opinions, in habits, in fortunes, that one character, we had almost said one life, may, to a considerable extent, serve for them all."* With this opinion it is impossible to concur, with the proposition following it. "That they (Sir Nicholas and his contemporaries, Lord Burleigh, Sir

* Macaulay, 'Life of Bacon.'

Walter Mildmay, Sir Thomas Smith, Sir Francis Walsingham), were the first generation of Statesmen by profession"—it would be as difficult to disagree. This was a mere accident. With a Queen on the throne; with the rival factions of York and Lancaster fairly at rest; with a growing and increasing foreign commerce and foreign relationship; with a wealth second to none of the continental states; there was more scope in an established government for an age of professional statesmen. Of all these, William Cecil Lord Burleigh, was perhaps the greatest. Next in order ranged Walsingham, then possibly Sir Nicholas Bacon. Lord Burleigh had married a sister of Lady Ann Bacon, the mother of the future philosopher, and thus was united in kinship with the Chancellor, Sir Nicholas. His wife, Mildred, was described by Roger Ascham as the best Greek scholar among the young women of England, Lady Jane Grey alone excepted. Another daughter, Katherine, who became Lady Killigrew, was not less distinguished, and became the maternal ancestor of the witty and licentious race of Killigrews. Elizabeth, the fourth daughter, was married twice, first to Sir Thomas Hoby, and after to Lord Russell. Margaret, the youngest, is the mate of Sir Ralph Rowlet. Undoubtedly of all the children of these five daughters, Francis Bacon is the greatest, and it behoves us to consider the character of his father, Sir Nicholas.

His illustrious son has given us his estimate of his father's character.

"He was a plain man, direct and constant, without all finesse and doubleness, and one that was of a mind that

a man, in his private proceedings and estate, and in the proceedings of state, should rest upon the soundness and strength of his own courses, and not upon practice to circumvent others."

As Bacon has in none of his works manifested a special apprehension of character, or a power like Clarendon's, of justly estimating men, his testimony of his father's disposition can only be accepted at its worth. Every man looks more or less through his own eidolon; and if Sir Nicholas appeared to lack finesse to his son, it may have been that that son possessed it in a superabundant degree, and Sir Nicholas had thus an apparent rather than a real deficiency. A statesman and an official who was able to maintain, under two reigns of opposite religions and directly opposite policy, his position and power, may be supposed to have lacked neither prudence nor tact. It is probable, both from his decisions and speeches, that he was a man of large and solid mind, possessing great sound sense, and that to a certain heavy and placid temper, rather than to any other quality, we are to attribute the fact that we have no satisfactory memoir of him, and that his literary productions which have survived are few and inconsiderable in quality.

He was the second son of Robert Bacon, of Wrinkstow in Suffolk, and was born at Chislehurst in Kent, in 1510.* He graduated at Corpus Christi College, Cambridge, and having taken his degree, as the fashion then and for a long time remained, travelled into France, having entered himself a student of Gray's Inn. On his return, he kept

* Those interested, will find a long genealogical account of the Bacon family in Wotton's 'Baronage.'

his terms, and was in due course called by that Inn. In 1532, he was admitted a student, four years after was made an ancient, and in the succeeding year, being then twenty-seven years of age, he was appointed solicitor to the Court of Augmentations, to be in nine years again promoted to the responsible and high official dignity of Attorney of the Court of Wards, a post not merely of honour, but of considerable power and pecuniary profit during the existence of the feudal times. Second only in its responsibility to the Chancellorship so far as the merely legal duties of that office are concerned. In 1547 Henry VIII. died and Edward VI. succeeded. In 1553 Mary ascended the throne. During the latter's reign, although Sir Nicholas had manifested a stanch protestantism in her brother's reign, he laid himself open to the accusation of deserting his creed, a satirical writer,* quoted by Lord Campbell, referring to his career, remarking that—"His lordship could neither by the greatness of his beads, creeping to the cross, nor exterior show of devotion before the high altar, find his entrance into high dignity in Queen Mary's time." From this it would appear that the Bacons, neither father nor son, were of the material of which martyrs are made, and that the son's estimate of the father's character, as a man direct and constant, must, without any charge of flattery, be accepted with some limitation.

In November of the year 1558, Elizabeth succeeded to the throne, and appointed, in December, Sir Nicholas Bacon to the responsible office of Lord Keeper of the

* Parsons the Jesuit, the presumed author of the libel on the Cecils, and of the infamous book 'Leicester's Commonwealth.' (See Wood's 'Athens Oxoniensis'.)

Queen, her desire to conciliate the love and goodwill of her subjects, whose virtues would need all the power and eloquence of an orator "in whom both nature and art concur, and not possible to me in whom both fail." From this point, rising with his theme, he descants on the great loss of Calais; and if his manner were impressive, would at this point doubtless have seemed eloquent in spite of his own disparagement, for he asks, "What man that either loveth his sovereign, his country, or himself, that thinketh of and weigheth the great decays and losses of honour, strength, and treasure, yea, and the peril that hath happened to this imperial crown of late time, but must needs earnestly and inwardly bewail the same?" What greater loss than Calais, "which was in the beginning so nobly won, and hath so long time, so honourably and wisely, politically, in all ages and times, and against all attempts both foreign and near, both of forces and treasures, been defended and kept?" Did not the keeping of this give new fear to our greatest enemies, and made our faint friends the more assured, and loather to break? yea, hath not the winning and keeping of this led throughout Europe to an honourable opinion and report of our English nation?"

Who can read this passage, thinking of the dangers menacing the realm, of this little realm of England, this gem set in the sea, of this plain and heavy lawyer, this plodding and politic man, addressing the Lords and Commons of this realm, without feeling that the same courage, the same warlike spirit breathes in him as in those heroes of the Armada fight? and that when he touches on the glory and dignity of his country, he rises in his theme

praise and acknowledgment at the hands of his contemporaries. In Sir Thomas Naunton's sketch of his character,* he is described as an "arch piece of wit and wisdom. He was a gentleman and a man of law [Sir Thomas makes a distinction], and of great knowledge therein. He was abundantly facetious, which took much with the Queen, when it suited with the season. He had a very quaint saying, and he used it often to good purpose, "That he loved the jest well, but not the loss of his friend, and that *verus quisque suæ fortunæ faber*, was a true and a good principle, yet the most in number were those that numbered themselves; but I will never forgive that man that loseth himself to be rid of his jests."

He was appointed one of the commissioners to try Mary, Queen of Scots, for the murder of her husband; and in his inquiry into the evidence in this perplexing and intricate case, is said to have acquitted himself with honour. But at a subsequent conference (two years after) at which the Scots peers negotiated for her ransom, he made a peroration which, if it has been correctly reported, certainly must have given offence: breaking up the meeting by saying, "All Scotland—your princes, nobles, and castles—are too little to secure the flourishing kingdom of England."

In the Parliament which was called in the spring of 1571 Sir Nicholas is again her Majesty's mouthpiece. He opens by hoping that he will not be tedious to her Majesty, a not unnatural wish in a man now sixty-one years of age, and whose manner and style were likely to be less

* Somers' Tracts, vol. i., p. 265. See also Harleian MSS., vol. ii., p. 95.

vivacious than of old. The necessity of seeking the advancement of God's honour and glory is again one of the opening topics; from this he advances to the reform of laws, from which he proceeds to weigh the necessity of due and proper provision for crown and state, in other words, subsidies; thence passing to consider the benefits of peace. One or two of the passages are worth transcribing. Speaking of the benefits conferred by her Majesty during her reign, he alludes to three in chief. "Whereof the first and chief is setting at liberty God's holy word amongst us, the greatest and most precious treasure that can be in this world, to the great benefit of our souls and bodies, and whereby also we are by a necessary consequence delivered and made free from the bondage of Roman tyranny." On peace and war he says, wisely: "A man that would sufficiently consider all the commodities of peace, ought to call to remembrance all the miseries of war, for it is in reason as great a benefit to be deprived of one as to possess the other. Yet, if no other argument were needed, the necessities and miseries of our neighbours would show it."

The following year Thomas Howard, Duke of Norfolk, was tried for high treason. Sir Nicholas as a commoner did not personally assist or preside, but Lord Campbell, with some severity, charges him with some of the indignities inflicted on that unfortunate nobleman.

The late Chancellor remarks, not without acerbity, that "as he affixed the great seal to the commission under which this mockery of justice was exhibited, and must have superintended and directed the whole proceeding, he is to be considered answerable for such atrocities as depriving the

noble prisoner of the use of books, and debarring him from all communication with his friends from the time of his commitment to the Tower ; giving him notice of trial only the night before his arraignment ; keeping him in ignorance of the charges against him till he heard the indictment read in court ; and resting the case for the crown on the confessions of witnesses whom the council had ordered 'to be put to the rack, that they might find the taste thereof.' "

This statement of the occurrence is undeniably severe. That irregularities took place on the trial is clear from its report ; that they were more than irregularities is doubtful. The law of evidence in the year fifteen hundred and seventy-two was not as clearly defined as in the present day ; and the entire informality of proceeding, not to say its judicial cruelty, might easily be paralleled in any of the state trials of the period.

The "debaring him" of access by his friends was no uncommon hardship ; Essex and Raleigh were similarly restricted at a much later date. The exact frame of the indictment only was kept back. The duke himself merely says : "I am hardly handled, and have short warning and no books—neither book of statutes, nor so much as the breviat of statutes." That he did not greatly suffer by the deprivation is clear from the excellence and accuracy of his defence ; the quotations and legal references urged in its argument suggesting that Bracton had not been withheld, or had been accessible. The witnesses were simply as good as any then tendered in similar cases ; and although the duke, in a sentence which even now makes the blood shiver, objects that Bannister was shrewdly

cramped (racked*) when he told that tale, the serjeant denies it by saying, "No more than you were." Neither is there proof that Bannister, nor the Bishop of Ross, nor Cavendish were racked; Hickford may have been, but his testimony is not impeached by the duke; and though, looking at the matter now, it may be thought that the duke was harshly tried on the evidence, it is as little to be doubted that the trial either of Essex or of Raleigh was a mere mockery compared with the duke's.

The duke was a Catholic, the government was Protestant: he had undoubtedly plotted, and sufficiently overt acts of treason had been committed to bring his offence within the statute. Whether the marriage had been arranged between him and Mary is not so clear; but sufficient evidence exists to satisfy the historian that his trial was not on the whole unjust, and, consequently, to clear Sir Nicholas of culpable severity, even if his complicity were more manifest than it is.

This solid and worthy Chancellor—solid in another sense, for he had grown in his latter years exceedingly corpulent—died February 20th, 1579, and was buried in St. Paul's Cathedral; a long Latin epitaph being written for his monument by his friend, George Buchanan, which styled him "*regni secundum columnen*," and which set forth his many virtues with the usual accuracy of such posthumous credentials.

The testimony of his contemporaries, allowing for the disparagement of his singular obesity, is uniformly flattering, without being warm or enthusiastic. In friendship, as in all else, his motto stood. For his connection with

* Vide Note on torture at end of book.

Burleigh was one of blood and interest rather than of self-denying amity. Hayward describes him "as a man of great diligence and ability in his place, whose goodness preserved his greatness from suspicion, envy, and hate." Fuller describes him as one "cui fuit ingenium subtile in corpore crasso ;"* and Camden as "*vir præpinguis, ingenio accerimo, singulari prudentia, summa eloquentia, tenaci memoria et sacris conciliis alterum columnen,*" an estimate which must be considered just and accurate, and by no means exaggerated.

Some of his repartees, which mark him as a man not without humour, have been detailed by his son, who, as is known, had the liveliest appreciation of a jest. Two are sufficiently good to deserve notice. One, his brief punning answer to Queen Elizabeth concerning monopolies, which it would have done well for that son to have borne in mind, "Licentia omnes deteriores sumus"—We are all the worse for licences. The other his well-known repartee to the criminal who claimed affinity with him on the ground of his patronymic being Hog, which relationship the Justice did not dispute ; but parried, by the argument that Hog was not Bacon till it had been hung, and that, to complete the relationship claimed, the culprit should be well hanged, are proofs that at least "he loved his jest."

In conclusion, I may venture to pass on him the opinion ; that he was a man of even brilliant solidity. So far as eloquence is concerned, Puttenham has said : "Indeed, he was a most eloquent man, of rare wisdom and learning as ever I knew England to breed, and one

* Lord Campbell, 'Lives of the Chancellors,' vol. ii., p. 107.

that joyed as much in learned men and good wits, from whose lips I have seen to proceed more grace and natural eloquence than from all the orators of Oxford and Cambridge." A man of a pliant and diplomatic temper, neither independent nor unduly servile. Not so much distinguished by scholarship as for law, and the justice of his decisions. His conduct at all times marked by patience and regularity ; and his intellect by that invaluable attribute, or collocation of attributes, known as common sense. In every respect save perhaps in his eloquence, in which concurrence must be made rather with contemporary testimony than with Lord Campbell's estimate—a man who embodied in his character his desires when he selected the motto "*Mediocria firma.*"

In the year 1568, the tenth year of his Keepership, he had built at Gorhambury, in Hertfordshire, a magnificent seat, which Queen Elizabeth had on one occasion visited. Incidentally remarking that his house was grown too small for him, he happily replied, "Not so, madam ; your highness has made me too great for my house." He was married twice ; first to Jane, daughter of William Fernly, by whom he had three sons and three daughters, the eldest afterwards knighted in 1611, by James, as Sir Nicholas Bacon, of Redgrave. His second wife was a younger sister of Mildred, the wife of Lord Burleigh, Ann Cooke, the mother of two sons only, Anthony, and the philosopher and statesman whose career we are now about to trace, Francis Bacon.

CHAPTER III.

As Rawley, "his lordship's first and last chaplain," in the brief memoir furnished to his works, has expressed so clearly and briefly the opening facts of Lord Bacon's life, no apology will be made for transcribing them, and thus presenting his statement at first hand.

"Francis Bacon, the glory of his age and nation, the adorning and ornament of learning, was born in York House, or York Place, in the Strand, on the 22nd day of January, 1561. His father was that famous counsellor to Queen Elizabeth, the second prop of the Kingdom in his time—Sir Nicholas Bacon, Lord Keeper of the great seal of England, a man of known prudence, sufficiency, moderation, and integrity. His mother was Ann Cooke, one of the daughters of Sir Anthony Cooke, unto whom the erudition of King Edward the Sixth had been committed; a choice lady, and eminent for piety, virtue, and learning, being exquisitely skilled for a woman in the Greek and Latin tongues. These being the parents, you may easily imagine what the issue was like to be, having had whatsoever nature or breeding could infuse into him."

“ His early years were not without presages of that deep and unusual apprehension which was manifest in him afterwards, which caused him to be taken notice of by many persons of worth, and especially by the Queen, who would often, from his gravity and the maturity of his discourse beyond his years, term him her young ‘ Lord Keeper.’ ” *

A child gifted with so wise and so educated a mother ; with a father so renowned and favoured by fortune, and related so nearly to the prime minister of the time, Lord Burleigh, may well be said to have been born fortunately, and to justify those lines which “ rare Ben Jonson ” wrote to celebrate his sixtieth birthday (when Lord Chancellor), kept in state in the house of his birth, York Place.

But all his connections, the happy accidents of his birth, the advantages of air and country breeding which were given by the noble estate of Gorhambury, were insufficient to secure to their possessor either health or good fortune. The child which was petted by a powerful monarch, and who was the son of one great statesman and the nephew of the Prime Minister, as well as allied to half the aristocracy, became in his old age a broken-down, neglected man—his transcendent gifts alike unable to secure him friends, or save him from the contempt of his enemies, or the open neglect of good and virtuous men.

At twelve years of age Francis Bacon was entered at Trinity College, Cambridge, † receiving his education under the care of the celebrated Dr. John Whitgift, “ then master of the college, and afterwards Archbishop of Canterbury.” He remained at Cambridge until his sixteenth year, when

* Rawley’s ‘ Resuscitatio,’ 1651.

† Birch. Rawley.

he was recalled and sent to France, to go through the course of travel Sir Nicholas had passed through before him. Under the care of Sir Amyas Paulet, then ambassador at Paris. Before departing he entered himself, according to the records of the Inn, a student of Gray's Inn, with the view, no doubt, to a legal career. In September, 1577, we find Sir Amyas writing to his father: "I rejoyce much that your son, my companion, hath, by the grace of God, passed the hurt and peril of his journey. I thank God these dangers are past, and your son is safe, sound, and in good health, and worthy of your fatherly favour." From all that can be gathered from his life in France, where he continued till his father's death, in his twentieth year, it would appear that he was at this time a diligent student and no idler. A man nurturing dreams of ambition. An athlete preparing himself sedulously for the race. A scholar devoted already to grave affairs. A man of fashion and of the world, devoting himself no less to politics, and to affairs of state, than to literature and philosophy, and betraying even at this time that ambition and sedulousness towards one end that marked his later career. To this extent the child was father of the man.

On the testimony of Rawley, before he left the university, which must have been early in his sixteenth year, he had, with a singular independence of mind, conceived the dislike he retained through life to Aristotle's system of philosophy, which then served as the basis of the logical and dialectical training of the university, "being a philosophy only strong for disputation," but barren in utility.

On the testimony of the same biographer, he was sent

over by Sir Amyas on a commission requiring despatch and secrecy, "of which he acquitted himself with applause." This is perhaps apocryphal.

After Sir Amyas Paulet's recall, in November, 1519,* he made a tour through the southern and western parts of France, locating himself, for a time, at Poitiers. Here probably he wrote his 'Notes on the State of Europe;' and it was during this residence abroad that he invented a method of writing in cipher for use in political and diplomatic services, which he himself considered sufficiently ingenious, even after the lapse of years, to deserve a place in the 'De Augmentis.'

In his twentieth year his father's sudden death, in February, 1580, by a cold, which terminated fatally after an illness of only a few days, led to his immediate return; and from this period we have to trace Bacon's independent career as a man of action and a working member of the commonwealth.

* Birch.

CHAPTER IV.

As may naturally be supposed, by training and education Bacon must have considered himself entitled to preferment at the hands of the Queen or of his uncle Burleigh. His views and tendencies, on his own testimony, were to the public service. He had already passed some years in qualifying himself for official labours. As Sir Nicholas Bacon's son he was entitled to hope for her Majesty's active interest in his welfare, as well as that of his father's old colleague, and near kinsman, Burleigh. Notwithstanding his high office held so many years, the Lord Keeper had died poor, leaving his estate at Gorhambury to his eldest son by his second wife, Anthony. Francis was thus left almost unprovided for. The more so that although his father intended to make a provision for him, and had placed a large sum of money aside for the purpose, yet the intention had been frustrated by his sudden death.* The future statesman's bright hopes of advancement are dead in an hour. The opening path to glory is closed. Henceforward his destiny is to labour; and although the road is smoothed by his father's name, and high position, as well as by his noble relationship,

* Rawley. Birch.

yet he will find a struggle upward without money, even with genius, none too easy. His patrimony is merely a rateable proportion with his four brothers of the fund intended once for his especial benefit.

In his twentieth year he first settled himself as a law student in chambers in Gray's Inn. Two years after, according to the records of the Inn, he was called. On Feb. 10, 1586, there is an order that he may have place with the readers at the readers' table, but not to have any voice in pension, nor to win ancienty of any that is his ancient, or shall read before him.

If he entered, as is probable, before leaving for France, the favour had been conceded to him of a special admittance out of commons. This is in accordance with Lord Burleigh's notes appended to the order of the Benchers preserved in the Lansdowne MSS.* These show that the Inn conferred on him the following favours, doubtless in honour of his illustrious father, or in deference to the interest of Lord Burleigh, who was of the same Inn.

1st. A special admittance to be out of commons, on account of his going abroad and justifying the supposition that his entry then took place.

2nd. Admission to precedence of forty of his compeers.

3rd. Utter barristership at the end of three years.

4th. Admission to the high or readers' table, the order of Feb. 18, 1586.

From this record we perceive that Francis Bacon entered the law under favourable circumstances. His father was the first Bencher of Gray's Inn. Burleigh maintained his influence and connexion with it almost till

* Lansdowne MSS., vol. 51, let. 6.

his death. From these circumstances, and the fact that the young student was the nephew of the Prime Minister, these special favours were no doubt extended to him. Curiously, some of the earliest letters that have been published, or that may be presumed to exist, are to the Lord Treasurer and his wife, asking their influence with the Queen in his behalf, and are now subjoined. But before disposing of his career as a law student, it may be noticed that the favours above alluded to as extended to him, and which made him a Bencher of his Inn at the early age of twenty-six, were perhaps not wholly gratuitous, but were in part the result of his own perseverance and energy. Thus in a letter written in fifteen hundred and eighty-six, to Lord Burleigh, there occurs the following phrase, which suggests at least the presumption of some underhand or doubtful practice having been attempted to gain the unusual favour of being called within the Bar. "And I protest simply before God, I sought therein an ease in coming within bars, and not any extraordinary or singular note of favour. And for that your Lordship may otherwise have heard of me, it shall make me more wary and circumspect in carriage of myself."*

Early in 1580, Bacon had settled as a student in chambers in Gray's Inn. The first proof of his residence of any importance, is contained in two letters, written by him in September, to his uncle and aunt Burleigh, and preserved in the Lansdowne MSS. They form the first of a series of "begging letters," which for pertinacious

* Lansd. MSS. 51, Art. 5. Also printed in Montagu, from which this is copied, in vol. xv., p. 23, and vol. xiii., p. 473.

audacity and bold importunity, have perhaps never been equalled. For a time, it cannot be doubted, this species of composition, too frequently indulged in, hindered their author's advancement. The first is

"TO LADY BURLEIGH TO SPEAK FOR HIM TO HER LORD.

"MY SINGULAR GOOD LADY,—

"I was as ready to show myself mindful of my duty by waiting on your ladyship at your being in town, as now by writing, had I not feared lest your ladyship's short stay, and quick return might well spare me, that came of no earnest errand. I am not yet greatly perfect in ceremonies of court, whereof I know, your ladyship, knoweth both the right use, and true value. My thankful and serviceable mind shall be always like itself, howsoever it vary from the common disguising. *Your ladyship is wise, and of good nature to discern from what mind every action proceedeth and to esteem of it accordingly.* This is all the message which my letter hath at this time to deliver, unless it please your ladyship further to give me leave, to make this request unto you, that it would please your good ladyship in your letters, wherewith you visit my good lord, to vouchsafe the mention and recommendation of my suit; wherein your ladyship shall bind me more unto you, than I can look ever to be able sufficiently to acknowledge. Thus in humble manner, I take my leave of your ladyship, committing you, *as daily in my prayers*, so, likewise, at this present, to the merciful providence of the Almighty.

"Your ladyship's most dutiful and *bounden* nephew."

The lines italicised above are so marked, to point out features, which occur again and again, throughout the Bacon correspondence, which prove the character of the philosopher chiefly formed. Singularly the phrase "bounden" is also retained through life, when writing to persons from whom benefits are anticipated. His letter

to the Treasurer is longer, and therefore need only be printed in part, especially as it is merely to the same effect.

“MY SINGULAR GOOD LORD,—

“My humble duty remembered, and my humble thanks presented for your lordship’s favour and countenance, which it pleased your lordship, at my being with you, to vouchsafe above my degree and desert. My letter hath no further errand but to commend unto your lordship the remembrance of my suit, which then I moved unto you ; whereof it also pleased your lordship to give me good hearing, so far forth as to promise to tender it unto her Majesty, and withal to add in the behalf of it, that which I may better deliver by letter than by speech ; which is that although it must be confessed that the request is rare and unaccustomed, yet if it be observed how few there be which fall in with the study of the common laws, either being well left or friended, or at their own free election, or forsaking likely success in other studies of more delight, and no less preferment, or setting hand thereunto early, without waste of years, upon such survey made, it may be my case may not seem ordinary, no more than my suit, and so more beseeeming unto it.”

This, it must be confessed, is not perspicuous. The young Francis Bacon already possesses a certain reticence which disinclines him to speak freely. The above sentences are given in full, because it is difficult to arrive at their meaning by giving a part only. The remainder of the letter, couched in similarly obscure phraseology, asks Lord Burleigh to use his influence with the Queen for him. Expresses an opinion that her Majesty will need no trial or experience of the person recommended, when so good an opinion exists “of the person which recommendeth.” He hopes Lord Burleigh will be his patron, and account him “one in whose well being your lordship

hath interest," concluding by "committing you as daily in my prayers, so, likewise, at this present to the merciful protection of the Almighty.

"Your most dutiful and bounden nephew,
"B. FRAS."

The next is a letter printed in Strype, in the 'Annals of the Reformation.*' Burlcigh has spoken to the Queen in his nephew's favour, and he sends a very long and dutiful letter of thanks in return.

"MY SINGULAR GOOD LORD,—

"Your lordship's comfortable relation of her Majesty's gracious opinion and meaning towards me, though at that time your leisure gave me not leave to show how I was affected therewith, yet upon every representation thereof it entreth and striketh so much more deeply into me, as both my nature and duty presseth me to return some speech of thankfulness."

In substance the letter is as follows :—

It is a great encouragement to him "to encounter with an example so private and domestical of her Majesty's gracious goodness and benignity being made good and verified on his father's posterity during their nonage." His loyal and earnest affection to the Queen is not the least of his, Francis', inheritance, he trusts to receive God's grace in his labours, and that what diligence can assist him to, he will attain, fears that his modesty may prevent the proper display of his gifts, but hopes her Majesty will credit them, and that when the occasion arises, no further protestation will be needed. *In the mean time howsoever it be not made known to her Majesty yet God knoweth it through the daily solicitations where-*

* Vol. IV., page 591 ; Oxford Ed., 1824.

with I address myself unto him in unfeigned prayer for the multiplying of her Majestie's prosperities ; concluding by signing himself,

“ Your most dutiful and bounden nephew,

“ FRA. BACON.”

Here fancy may without licence depict the sedate Bacon, prematurely wise, worldly, and ambitious, keen in his appreciation of the ideal and beautiful, a worshipper of nature, of the pomps of the flesh and the lust of the eye, bound down to the desk, and fettered to that jealous mistress the law.

And here that love of beauty, which resembled more that of an Athenian citizen than of an Englishman, which shows the touch of kin, between Genius in the most distant ages, his love of flowers, of pictures, of fine apparel, of sumptuous and elegant furniture and trappings which was shown so much in his mature age, must have cost many a heartache in its repression. Francis Bacon was a vain man. He had been nursed in the lap of luxury. The age of Elizabeth was an age of more splendid magnificence in apparel, of more gratification to the eye than any which preceded it ; and Bacon's love of these things, conjoined with his ambition, made him even more a slave to them than his contemporaries. Yet even here, in the Sahara of Gray's Inn, he attempts to beautify and adorn what he cannot create anew. He cannot make the retreat of law as pleasant as the groves of Attica, or the gardens of the Sophists, but he will improve the common garden of the Inn. During his residence in chambers, he devoted, it would seem, some time and expenditure to the embellishment of the gardens and the records of the corpo-

ration contain entries of large sums, paid to Mr. Bacon for its decoration and adornment at a later period of his life.*

We unhappily know little of Bacon's personal habits at this time, none of his biographers having thought fit to dwell on them. Just as in Shakspeare's life there is a gap between his boyhood and the period in which he appeared on the world's stage as a man with some reputation in the world. In 1586, he is an M.P.† and a bencher of his Inn. Between nineteen and twenty-five he is engaged in the drudgery of the law, working obscurely as a student; without question dividing his time, as a modern philosopher and lawyer did, between law and science; converting his chambers into a laboratory, and in spite of the jealousy of the law, spending at least as much time in philosophy as in the dry study of 'Uses and Trusts,' or the issues of 'Taltarum's Case.'

In those days the legal student, like the student of divinity, had a grave and reverend character to sustain, which he has not to-day. There was about him that isolation of profession, which was maintained in its integrity in every guild and profession and walk of life. He was to be known by his apparel and his soberness of mien. His dress was arranged by statute, and his beard was to be only of a fortnight's growth;‡ he was not allowed in his hose or doublet to wear any light colours, except scarlet and crimson, or wear any upper velvet cap or scarf, or velvet shoes, or feathers or ribbon in his cap; neither Spanish cloak, sword and buckler, nor rapier.§

* Dugdale's 'Jurid. Orig.,' p. 273.

† D'Ewes, 393.

‡ Dugdale's 'Jurid. Orig.,' p. 281.

§ This unrelenting severity was modified by a statute permitting a three weeks' beard, in 1557.

His hair was to be cropped to a sober length. He was fined if he ruffled it in the City or at Paul's with the rest of the gallants in cloaks, hat, or with boots and spurs. He was not allowed to carry a sword in hall. Nothing more than his dagger or knife. Nor go into the fields without his gown, nor wear his gown to the City. Regulations not unnecessary when we know the strength of religious zeal and of faction, in a country so strongly divided between opposite religious opinions, and the ready cut and thrust humour of the age, as is indeed shown by an instance in which a member of Bacon's Inn in 1597, entering the dining hall with two men with swords, made an attack on one of the members with a staff, and then drawing a sword, or taking it from one of his attendants, made good his escape, the person assaulting being no less than the future Attorney-General Davis, nominated to the Lord Chief-Justiceship in 1586, and the Barrister assailed being Martin, afterwards recorder and M.P.*

Inns of court † at this time, occupied a political position, and received the recognition of the court, the Queen frequently honouring their masques with her presence. These latter, which, with certain periodic festivities, were on a grand scale, and a considerable display of barbaric and feudal magnificence were accompanied by processions. In January 1561 and 1562, the students'

* Dugdale's 'Orig.', pp. 147, 148.

† This phrase is equivalent to that of a Legal College. The Legal University is divided into four Colleges, or Inns of Court:—Middle Temple, Inner Temple, Gray's Inn, Lincoln's Inn. They are called "of court," to distinguish them from the other Inns not of court:—Staples' Inn, Barnard's Inn, &c.—once connected, now dissevered.

plays of 'Ferrex and Porrex' were enacted before Queen Elizabeth. At Shrovetide, 1567, the Gray's-Inn men presented her Majesty with divers shows; and in 1587 they played a comedy in their hall at which Lord Burleigh was present, and at which, no doubt, Bacon assisted. In 1588, February, they played before the Queen in a masque at Greenwich, and we find on that occasion Mr. Francis Bacon and Mr. Yelverton (his friend) were present, and that their names occur among the dressers of the shows. In 1594 the revels of Gray's Inn were on an unprecedented scale of magnificence, lasting from Dec. 20th, St. Thomas's Eve, to Twelfth Night, and winding up at Candlemas Day by a grand water party on the Thames, and a magnificent procession of more than a hundred horse to Gray's Inn. In this splendid hospitality the Lord of Misrule, Henry Holmes of Norfolk, Duke of High and Nether Holborn, &c., was invited at Shrovetide with his mock court, by the queen, and entertained at Greenwich, where the knights of this new round table fought at the barriers and performed a masque, receiving a princely donation from the Queen's hand for their gallant services.

But the fact was that the shows of the inns of court were an institution as fixed as the laws of the realm. There were days set apart for revels. The masques, dinners, and entertainments were as settled as the discipline of the law. Certain great days were consecrated to fun and pastime—The Eve of St. Thomas, Christmas Day, St. Stephen's Day, New Year's Day, Candlemas Day; some of the following ordinances being enforced, no doubt to the great annoyance of the diligent student.

“ At night before supper are revels and dancing, and so also after supper, during the twelve days of Christmas. The ancientest master of the revels to sing a carol or song both after dinner and supper. At the grand banquets on Christmas Day and New Year’s Day, the hall is to be furnished with scaffolds to sit on, for ladies to behold the sports on each side, which ended, the ladies are to be brought into the library, unto the banquet there.” The three great days of revels were All Hallows, Candlemas, and Ascension, All Hallows and Candlemas being the chief.

In these revels we may well fancy Bacon taking a part. His contemplative face fitting here and there among the gaily appavelled courtiers, himself not the least brilliantly attired among the throng. His expression is already tinged with melancholy. That habit of studying at night, which Lady Ann so much condemns, has robbed his cheek of some of its colour. He is of middle height, with a lofty and slightly receding forehead, broad across the temples, not exactly handsome, but with a benevolent smile about his mouth. His frame is sufficiently robust looking, but not elegant. Into all the humours of the scene he now and again enters with enthusiasm.

Here we are compelled to differ a little from Lord Campbell on a trifling matter of fact. His lordship considers that Bacon was favoured by his Inn on his own merits in his appointment to the Lent readership. “ So great a favourite was he with his Inn that in two years more he was made Lent reader.”* Yet he was made reader only in Lent 1588, which was no doubt in his regular turn,

* Lord Campbell, vol. ii., p. 275.

and was not made double reader till Lent 1600,* twelve years after,* so that their favouritism, if any, stopped suddenly short ; nor do I think that his reputation in his profession induced the Queen to appoint him her counsel extraordinary, but rather his father's name and worth and his uncle's interest concurring, for her Majesty's opinion was not great of his legal studies we know.

In the same year of 1586 we also find him in parliament, being mentioned as one among several others, as following suit of Lord Burleigh and Sir Christopher Hatton, courtiers, both in very vehement declamations against Mary, Queen of Scots, but recently condemned to death, charging her with treasonable practices, and demanding the execution due to her deserts. Parliament was called by writ for the 15th, but did not sit till the 29th, and then merely for the passing of routine business.† It had been called avowedly for the purpose of dealing with the unfortunate Queen, and Nov. 3rd, the Lord Chancellor proceeded to open the matter, followed by Lord Burleigh in the Lords. On the 3rd, Sir Christopher Hatton opened in a very violent speech, in the Commons, on the same subject, ending "Ne pereat Israel pereat Absalom."†

It was on this subject adjourned to the following day, that we find Mr. Bacon speaking and seconding his uncle and the court. The state of feeling at this time makes it probable that from inclination, as well as any other cause, he would have adopted this side ; but from this it is clear that if he were not in under Burleigh's auspices, he was there as his follower.

Mr. Bacon being in parliament, and having broken the

* Dugdale, p. 295. † D'Ewes, 'Parliamentary History,' p. 838.

ice within a week of his first entry, is not reported as having spoken again during the session ; but the accounts of the parliament at this time are so meagre that he may have done so without its being recorded. But in the new parliament, called in February 1589, we find his name again. This parliament was called on account of the defeat of Spain and of the Armada, to meet by grants of money the expenses of the expedition. Action during the past year had superseded debate.

On February 17th, one of the members complained that a speech made in the House had been reported, and that he had been rebuked sharply for it by a very great person. This complaint was suddenly stopped by the Chancellor of the Exchequer, who called the attention of the House to a grant of treasure proposed to the Queen. Referring by name to Mr. Francis Bacon, one of the committee, who had made notes on the subject, he, the Chancellor, desired, with the consent of the House, they should be read. The permission was accorded, and the notes read, Mr. Francis Bacon being summoned before them. From this it would appear that he is still following in the footsteps of his uncle, who rewards him about this time with the reversion of the registrarship of the Star Chamber,* an office worth 1000*l.* a year, which, with his usual humour, he said, "mended his prospect but did not fill his barn." The parliament was dissolved March 29th, and thence till 1593, we hear little of him in public.†

* Oct. 22, 1589. Murdin, p. 792. Grant to Francis Bacon as clerk of the council of the Star Chamber.

† Lord Campbell errs in calling Bacon's speech in 1593 "his maiden speech," and in supposing this was his first appearance in parliament. (Vol. ii., p. 279.)

As during this period none of the legal reporters allude to him, the conclusion is inevitable—that Bacon, notwithstanding the honours with which he was treated by the Benchers of his Inn, was not honoured by the attorneys with briefs. If he were a good lawyer, he had no opportunity of displaying his attainments, and from his nineteenth to his thirty-second year, had ample leisure to cultivate those scientific and literary pursuits to which he was much addicted. But it is also evident that Bacon longed for more substantial power than books conferred, or than posthumous fame would give. He was not, like Shakspeare, content either with his reputation in future ages, or with peaceful competency and rural life. Parliament being up, there was no opening for him to make headway there. Practice shunned him and his law failed, while his means of livelihood were scanty. So we find him in 1592, the thick darkness before the forthcoming day of a new parliament, oppressing him, writing to Burleigh the following mournful letter—mournful, because it shows his ambition and his disappointment. It is not dated, but the age mentioned determines the date.

“MY LORD,—

“With as much confidence as mine own honest and faithful devotion unto your service, and your honourable correspondence unto me, and my poor estate can need in a man, do I commend myself unto your lordship. I wax now somewhat ancient ; one-and-thirty years is a great deal of sand in the hour-glass. My health, I thank God, I find confirmed ; and I do not fear that action shall impair it, because I account my ordinary course of study and meditation to be more painful than most points of action are. I ever bear a mind in some middle place that I could discharge, to serve her Majesty ; not as a

man born under Sol, that loveth honour, nor under Jupiter, that loveth business; for the contemplative planet carrieth me away wholly; but as a man born under an excellent sovereign that deserveth the dedication of all men's abilities. Besides, I do not find in myself so much self-love, but that the greater parts of my thoughts are to deserve well. If I were able of my friends, and namely of your lordship, who being the Atlas of this Commonwealth, the honour of my house, and the second founder of my poor estate, I am tied by all duties, both of a good patriot, and of an unworthy kinsman, and of an obliged servant, to employ whatsoever I am to do you service. Again, the meanness of my estate doth somewhat move me; for though I cannot accuse myself that I am either prodigal or slothful, yet my health is not to spend, nor my course to get. Lastly, I *confess I have as vast contemplative ends as I have moderate civil ends*, for I have taken all knowledge to be my providence (province), and if I could purge it of two sorts of rovers, whereof the one with frivolous disputations, compilations, and verbosities; the other with blind experiments, and auricular traditions and impostures, hath committed so many spoils; I hope I should bring in industrious observations, grounded conclusions, and profitable inventions and discoveries; the best state of that province. This, whether it be curiosity, or vain glory, or nature, or, if we take it favourably, philanthropy, is so fixed in my mind as it cannot be returned. And I do easily see, that place of any reasonable countenance doth bring commendment of more wits than of a man's own, which is the thing I greatly affect. *And for your lordship, perhaps you shall not find more strength and less encounter in any other.* And if your lordship shall find now, or at any time, that I do seek or affect any place whereunto any that is nearer unto your lordship shall be concurrent, say then that I am a most dishonest man. And if your lordship will not carry me on, I will not do as Anaxagoras did, who reduced himself with contemplation into voluntary poverty. But this I will do, I will sell the inheritance that I have and purchase some lease of quick revenue, or some office of gain

that shall be executed by deputy, and so give over all care of service, and become a sorry book-maker.

“As a true pioneer in that mine of truth, which, he said, lay so deep; this which I have writ unto your lordship, is rather thoughts than words, being set down without all art, disguising, or reservation; wherein I have done honour, both to your lordship’s wisdom, in judging that that will be best believed of your lordship which is truest; and to your lordship’s good nature in retaining nothing from you. And even so I wish your lordship all happiness, and to myself means and occasion to be added to my faithful desire to do you service.”

I have printed this long and in part involved communication, because in the absence of any more interesting data, such correspondence, written without view to publication, is one of the most absolutely authentic sources of history. From its tenor I deduce, that Mr. Francis Bacon is unhappy; that he is devoted to philosophy already; that he is not succeeding as a man of the world, or as a practical lawyer; that he fears Lord Burleigh considers him an antagonist of young Robert Cecil, for who else is “nearer to his lordship” than one of his sons? that his uncle has already been his patron, has helped him forward so far, but is now somewhat neglecting him.

Criticised as to style, it is neither clear nor business-like, nor to the purpose. The letters of Lord Burleigh, of Walsingham, of Essex, a younger man, contrast with it very favourably. Its merits are not of a kind to find grace in the eyes of the Lord Treasurer. It is foreign to Sir Nicholas’s style, full of conceits, of the fashion it is true, but not likely to find grace with a man of the world like Burleigh. It is in parts abject to meanness, of an affected humility which is set at nought by a daring

self-assertion not unworthy the young author of 'The Greatest Heir of Time,' not unworthy a man confident, as every man is of his own gifts, when he has them (some are equally confident when they have them not), but still not well or wisely to urge, in a search for employment.

The writer makes no plea to Lord Burleigh's affection ; asks nothing for his father's sake ; but, as in every letter which he writes, attempts by mingled cajolery and flattery, and by pleading self-interest, to gain its end. The passage, "that place of any reasonable countenance doth bring commandment of more wits than a man's own, which is the thing I greatly affect," though not very clear, seems to indicate, what he has otherwise expressed, that he is prepared to sacrifice himself to his uncle's fame, and that his wits are worth the buying. What can be meaner than the passage that follows — that Lord Burleigh "shall not have strength and less encounter in any other?" It is vaunting, and self-glory, and meanness mingled. He will not cross the old statesman. He has very "moderate civil ends;" he will not step in before young Robert Cecil. And if his lordship will not consent, he will "become a sorry book-maker." As an isolated effusion of the author's pen, it would be of little value. Interpreted by subsequent letters, by acts, we see that in it lies concealed, a true photograph of Lord Bacon's mind.

It may seem too much importance to attach to a letter, yet it cannot be denied that its arguments are of a selfish and mean kind ; that it is not daringly self-reliant, but that it is presumptuous without courage. A daring or a truly self-reliant man would have said, For yourself, sir, take care ; I will shake you in your seat—which would

have been more presumptuous still, but would have been courageous to boot. Bacon already has no belief in aught other than self. He insinuates that he does not desire honour, nor love business enough to be dangerous, and that he will be a most obsequious servant if he is rewarded. If he is not—he will do nothing rash to his lordship, nothing to resent, but will become “a sorry book-maker.”

A Jesuitical letter, pretending to no art, but full of art, infused by conceits, by irrelevant assertions as to what the author purposed in philosophy, base in its flattery, servile in its protestations, selfish in its pleading, vaunting, “*I have taken all knowledge to be my province,*” and false in its last asseveration, and herein, as in all his other correspondence, shall we trace Lord Bacon’s character fully formed.

Two or three other of his epistles exist of this year. One is of February, 1592, asking his mother to apply to Lord Burleigh for the wardship of Alderman Hayward’s son. In those days the King has by the feudal laws the wardship in his grant of all the heirs of the nobility and gentry, which in the case of a wealthy child left without parents, is of course an eminently profitable affair. Whether the application succeeds or not is not known. As he does not apply for it till after his brother Anthony’s return from France, it is possible that he urged the suit not at his own instance, but at his brother’s, who was then too newly arrived to ask the favour.* Of this brother Anthony, who will play a not inconsiderable part in these memoirs, we are bound to take notice. The eldest son of the second marriage, he has been a truant for nearly ten years, in voluntary exile. While Bacon has been plodding at home, he

* Letter, Birch’s ‘Memoirs of Elizabeth,’ vol. i., p. 72.

has been engaged in a semi-official capacity abroad, and in keeping up political correspondence with the court—exiling himself much more for his own pleasure than the contentment of his friends, or the peace of mind of his lady mother.

From Anthony's voluminous correspondence, edited by Birch, much valuable information as to the political outline of the reign of Elizabeth has been gained. He is a man of sound practical ability, subtle, given to pleasure, notwithstanding infirm health, and of undeniable diplomatic skill. Sumptuous in his mode of living and extravagant, and eminently acute; but with a peculiar astuteness (to apply no harsher phrase) of character. A man worthy in every way to be brother to Francis Bacon—keen, prudent in counsel, and keeping a still tongue. One of those hangers about courts, who by sheer dint of brain contrive to gain no small influence in affairs, unfelt and unseen, and with no further reputation than that of being a gossip or an idler with the unobservant. During his long residence abroad, news has been brought to his pious mother that he is becoming changed in religion, is straying dangerously near the Popish fold; and every maternal feeling in the strong-minded lady's bosom is roused at this danger to her eldest born. But little comes of it. His religious feelings are not very deep or likely to run to extremes, and he has at last returned, and his mother is ready to kill the fatted calf for the prodigal son, as of old, and forget all his follies and his (to her) harsh exile, in his present ill health.

Some of the correspondence of Anthony Bacon offers admirable glimpses of the relationship of mother and sons, with an occasional reference to Francis, sufficient to give them an interest to us. Anthony had gone on

his travels as far back as 1579, the year before his brother's return, and was consequently not present at his father's death; and soon after his departure commenced correspondence with Sir Francis Walsingham, the secretary of state.

About the middle of August, 1580, he returned to Bruges from Paris, from whence he removed to Geneva, where he took up his abode with the learned divine, Beza, who was sufficiently impressed either by his manners, character, or wealth, or his mother's known piety and literary reputation, to dedicate to Lady Ann Bacon his 'Meditations.' From Geneva he went, in March, 1582, to Lyons, and from thence, having received a licence from the Queen to remain abroad three years longer, to Montpellier. In 1583, a letter from one of his correspondents, a Mr. Faunt, addressed to him at Marseilles, alludes to Francis as being "sometimes a courtier;" and another letter from the same correspondent in August of the same year mentions "that Mr. Francis Bacon was now seen in his utter barrister's habit abroad in the city, and therefore must needs do well." In January, 1584, he is at Bordeaux, where he becomes acquainted with the great Montaigne, and remains for some months sick of an ague, his house the head-quarters of the Protestants, which causes a remonstrance to be drawn up against him by two or three priests, a proceeding which in these days goes far to peril his life. In this they declare that his pen is the director of all their commotions, and that his personal presence is their countenance and support. Some of the parliament on this promptly suggest his recall, but fortunately Anthony has a friend at court.

Later in the year he goes to Bearne, possibly to escape the enmity of the Catholics, being already racked enough by his continued maladies. Here he in some way injures his foot, and is again compelled to stay longer than he purposed, which led to his acquaintance with Lambert Danaeus, who dedicated to him several of his works. From Bearne he probably removed to Montauban, where we find him in the beginning of 1585, writing for five hundred pounds, being sorely pressed and continuing ill.

From Montauban he writes also in April to his old master, Whitgift, now Archbishop of Canterbury, who in May answers him cordially in return. At the same time, probably in April, and taking advantage of the same friendly messenger, he wrote for his steward, Hugh Mantell, to be sent to him; but his correspondent, Mr. Demer, sends word back, in July, that Lady Bacon will not send him, and that she had importuned her Majesty to send a person to recall her son from abroad. In September, probably on some application of Lady Ann, we find Sir Francis Walsingham writing to him that his friends wish him home, not only on private but on public grounds, as a man, by his knowledge and long residence abroad, "made very sufficient to serve both her Majesty and his country."

On the 10th of November, 1586, Walsingham writes again, this time by the Queen's command, to return to England with as much expedition as he could; but even this fails to bring the truant back, so resolutely is he bent on remaining abroad; and probably by some little diplomatic ingenuity he was able to move the Queen to grant him a little longer stay.

During this year, however—the year of the Babington conspiracy, with Francis Bacon returned member for Taunton, with the descent of Spain imminent and threatening, and all the island moved and throbbing with commotion, with prophecies and preachings, of dangers of invasion and fire, of conspiracy and murder, of battle and sudden death—there happens a little romantic episode to our otherwise politic invalid, Anthony Bacon. A designing mamma, Charlotta Arbaleste, wife of Philip de Morlay, one of the most considerable men of the Protestant cause, had determined that Anthony Bacon should marry her daughter. Whether Anthony was bent on bachelorship, was insensible to the young lady's charms, or seeing through the innocent plot, made fun irreverently (as young men will) of the matron, is uncertain; but it appears that he did “unduly censure her scandalous excess in head attire,” which if he certainly couched his language as strongly was in the highest degree reprehensible. Probably he was a double culprit,—slighted the daughter and insulted the mamma; possibly the slight was an insult in itself. But whether one or both causes conjoined, a rupture of his friendship with the family ensued. In consequence whereof, being deprived of his immediate means of support (how is not shown), and being, moreover, hindered of some considerable sum of money advanced in England, from the *Sieur de Morlay*, he was compelled to apply to the Bishop of Cahors for a loan of a thousand crowns.

The bishop, a nephew of the Marshal de Briou, lent the money, but coupled it with a favour—the release of two priests then imprisoned in London, or an application to

Lord Burleigh on their behalf. This intercession Anthony Bacon attempted, and wrote by his servant, Mr. Thomas Lawson, on their behalf. But Lord Burleigh, in place of releasing the priests, claps Lawson into prison, at the instance of Mr. Bacon's enraged mother.

Neither the imprisonment of his envoy nor the anger of Lady Ann will lure the truant home. The month of August finds Mr. Anthony still abroad, and his friend Captain Allen, afterwards Sir Francis Allen, calling on Lord Burleigh on his behalf. The irate Lord Treasurer demands why his nephew does not return, and remarks "that he spends like a prince, being but an esquire," though he will condemn him on neither head till he hears him speak. His lordship is pleased to express that Mr. Anthony "had virtues and metal in him;" and ends the conversation by granting, what was most probably the cause of Allen's visit, a letter to Lady Ann in favour of Lawson. Armed with this, and with another from Mr. Francis to back it, Captain Allen calls at Gorhambury, to plead for the unhappy prisoner mewed up for no offence but that of being servant to a gentleman whose mother is enraged at his long absence. He is treated with every courtesy, and it needs very little fancy to picture the dashing young soldier, rapier at his side, with slashed doublet and ruff, calling on the precise, and Puritanic, and high-minded widow, in her lone and desolate mansion at Gorhambury.

The widow of the great Lord Keeper has been robbed of her son, of her eldest born, and will not be pacified. All goes well for a time, for the lady has a courteous air, and is bountiful as becomes a lady. But human patience and

motherly love have bounds. So presently Captain Allen, with a good deal of circumlocution, being somewhat afraid of the lady's stately manner—so little like that of the court ladies he is acquainted with,—shifting uneasily in his seat, begins: "Mr. Anthony is still ill and unable to leave for England, but purposes immediately on his recovery to return. He desires his best love to his mother, and all dutiful regards. But the fact is"—and here there comes a trying pause—"Lawson's confinement is impairing Mr. Anthony's health." This is a masterstroke of the captain's, who thinks he has the awful lady with the broad brow and pinched mouth at a disadvantage. At last the murder is out, and the lady breaks forth. She expresses the utmost resentment at her son's absence; "why should he stay abroad thus? what has she done that he hides himself from her?—it is unfilial. Away, and not even to close his poor father's eyes! Away from her all these years, and she pining in secret! He is a traitor to God and his country. He has undone me, and sought my death:" in her excitement, all her love and passion welling up, the pent-up grief of years, the yearnings of the fond mother. "But though he seeks to kill me, and is doing this merely to kill me, he will not gain but one hundred pounds. I will take care he shall benefit nothing." She will procure the Queen's letter to force him back; and when he comes back she will have him committed to prison with his man, Lawson, to bear him company. She declared she could not bear to hear of him: "he is hated of all the chiefest in France, and cursed of God in all his actions," and Lawson is at the bottom of it all. It is Lawson's doings, and she

is determined he shall never return to his master. She would not have cared if he had gone to the wars, and fought under the King of Navarre for the Protestant cause—there would have been glory in that; but to idle like a coward at Montauban, that was too bad. Besides, “she has spent all her money and her jewels, and had borrowed the last money she had obtained for him of no less than seven different persons.” Captain Allen finds Mr. Francis Bacon “very tractable,” and anxious to effect Lawson’s release, and to do as his brother desires; but fear of his mother’s displeasure prevents him moving actively in the matter.

Here, after the lapse of nearly three hundred years, comes again the touch of nature, amid all the diplomatic letters and worldly and wary correspondence, from which meaning has hardly to be gleaned only by induction and care,—here is a mother of strong love, of tragic vehemence of passion and temper, wailing for her son, not in very dignified language of the coldly classic model, but such as the fondest mother would in reality perhaps use to-day under strong excitement, whether in Billingsgate or in Belgravia.

Captain Allen sends by the same post a little news. That the Earl of Essex had chased Raleigh from the court into Ireland; that Sir Francis Drake had returned from his Portugal voyage; that the Countess of Leicester, Essex’s mother, had married Sir Christopher Blount; that Mr. Robert Cecil, son of Lord Burleigh, was shortly about to marry Lord Cobham’s daughter;—all of which specially concerns us interested in the life of Bacon, by-and-by. A little picture, moreover, of the times of these magic

days of romance and reality, of that happy age when all about seems lit with an air of poetry and splendour : Mr. Cavendish returns from sea and passes up the Thames amid the acclamations and cries of the thousands who line the banks in that glorious July weather, his marines and soldiers clothed in silk, his sails of damask, his topmast cloth of gold, and the richest prize ever brought at once into England.

Anthony Bacon remains inexorable ; neither his mother's pleadings, nor state affairs, nor the anger of his sovereign, nor his servant Lawson's imprisonment, will bring him back. He removes from Montauban to Bordeaux, where he is in February 1591. Whence we find him pleading on behalf of a Mr. Standen, a Roman Catholic, to Lord Burleigh ; his friendship with this gentleman, and his endeavours on his behalf, raising in England, especially in his mother's mind, the presumption of his leaning to the Catholic faith. At last, in February of the year following, Mr. Bacon returns home. Immediately on his landing his cousin, Sir Edward Hoby, writes to congratulate him. He is the son of Elizabeth Cook. He cannot help being the bearer of good news to the returned prodigal. "Her Majesty sent for me at the stroke of eleven at night, called me to her, among other things to ask if I had seen you since your return." I told her highness that I had, and that Mr. Anthony, though he had an infirm body, had a mind much more infirm, by reason of not being able to see her most gracious majesty, through your infirmities. The Queen expresses her regret at his bad health, "earnestly affirming, how that you had been greatly and from good hands recommended unto her."

Of course, now he is returned his mother will put him in prison—will punish him, for seeking her life, spending her money, and running after false gods. She'll never see him more, the ungrateful boy. Of course she does nothing of the kind. She writes full of love and motherly counsel, as if he had never been away, charging him to set a good example to his brother. "In hoc noli adhibere patrum tuum ad consilium aut exemplum," and concluding with the hope "that he will serve the Lord diligently, his brother Francis being too negligent therein." And now commences, on Anthony's return, the friendship of these two brothers with the young and brilliant Earl of Essex. The fates have taken up the skein of their lives. They will be tangled, and the web of Robert Devereux's life is to be woven in with that of the future Lord Verulam. The bright jewel of their young contract shall hang as a burden and millstone about the neck of the latter's fame, to drag it down, to bring the great name of Bacon into the dirt, from which even the wings of his immortality can never free him, soar his reputation proudly as it may. How this friendship progressed, and all its results, must be told in another chapter. How it commenced will be a fitting end for this.

It is a point of some little curiosity to know precisely in what manner the bond of amity first arose. Leicester, the father-in-law of Essex, had been Burleigh's rival and Sir Nicholas Bacon's enemy. At his instance the latter had been deprived of his seat in the Privy Council. In the year 1579 he had charged Anthony Bacon to the Queen, of being friendly with a certain Dr. Parry, then an exile for breaking into a chamber in the Temple, a spy and

agent of Burleigh's, but a man of traitorous designs as it was supposed, and which well-nigh forfeited Anthony Bacon's reputation with Majesty, especially as this Dr. Parry was of so factious a disposition as to be some years after executed.* He had during all his life been at enmity with the Cecils. Dying he bequeathed the legacy of hate, of rivalry, and opposed interest, to Essex. The rise of Essex was a death-blow to the supremacy of Burleigh's second son Robert, who was his follower in statesmanship. The bond of enmity was doubly sealed by hereditary wrong and immediate injury. That this antipathy to Essex always existed in Robert Cecil's heart is probable. That it became by nurture deadly and venomous is certain. Howsoever it arose, it became mutual. It ripened with years, till death alone satisfied it. That popular reputation at the time ascribed his death to Cecil is also known.† So that the question arises, How came the Bacons bound up with the Cecils, looking to Burleigh for advancement, bound by hereditary hatred and kinship to hate the Earl of Essex—for party feeling then ran high—to desert the Cecils and to hang their fortunes on Robert Devereux, the second Earl of Essex? Here is in part the solution :—

Bacon in his letter to the Earl of Devon‡ states that he himself “ knit his brother Anthony's service to be at his lordship's (Essex) disposing.” But then he is writing to a friend of Essex, and Anthony is dead, and cannot refute him ; and we shall see anon, Francis Bacon will not scruple

* 1585.

† Harleian MSS.

‡ Written, it must be observed, after James's accession to suit the altered circumstances of the case.

a point or two to serve himself. Against this testimony of Francis Bacon, here is Anthony's account of it to Essex, Sept. 12, 1596, who of all men is the best able to prove or disprove the truth of what he (Anthony) alleges.

"On the one side coming over (from France) I found nothing but fair words, which make fools fain, and yet even in these, no offer or hopeful assurance of real kindness, which I thought I might justly expect at the lord treasurer's hands, who had turned my ten years' harvest into his own barn without any halfpenny charge. And on the other side having understood the Earl of Essex's rare virtues and perfections, and the interest he had worthily in my sovereign's favour, together with his special noble kindness to my Germaine brother,* whereby he was no less bound and in deep arrearages to the Earl, than I knew myself to be free and beforehand with my Lord Treasurer; I did extremely long to meet with some opportunity to make the honourable Earl know how much I honoured and esteemed his excellent gifts, and how earnestly I desired to deserve his good opinion and love, and to acknowledge thankfully my brother's debt, presuming always that my Lord Treasurer would not only dislike, but commend and further this my honest desire and purpose."

Here is a reason why the Bacons should throw in their fortunes with Essex. They are what men in all ages, being wealthy and assured, call needy adventurers; that is, men of large desires and large necessities, with capacities of the noblest kind, seeking power, striving to overthrow the inequalities of fortune, and not too

* Nathaniel, query.

scrupulous how they gain their end, so that they do gain it. They are adventurers as distinguished from patriots. But then as patriotism, like love, is rarely seen dissevered from selfish consideration, or baser motive, rarely, perhaps never; they may be called, if it is preferable, patriots. Anthony at least was a patriot: he had stood by the Protestant cause. So had Francis when it cost him no danger but was gain. There are degrees in patriotism, and without claiming any high merit, the brothers may be styled conventionally patriots.

Many many years after, when Essex is dead, when his friends come into power, when James I. expresses his belief that the Earl was martyred for his cause, then, and not till then, Bacon expresses to Essex's dear friend, powerful at court, that his motive for joining Robert Devereux was patriotism, because he thought "the earl was the fittest person to do good to the state," a very likely and probable reason to impose on an elderly lady, but hardly likely to deceive any more discriminative person. Could the keen and sagacious Bacon, a statesman, a courtier, a lawyer, now in his thirty-third year, really believe that the pampered boy Essex, twenty-five years of age, was more fitted than Burleigh to guide the helm of the state—Burleigh, the wisest minister of his time, whose counsels had brought the land through all her dangers for forty years? *Credat Judæus*. The two Bacons became the Earl's feudatories, and do him homage and service, and he shall be their liege lord. They have both been disappointed, and found Burleigh's place and pay unprofitable. Francis is without promotion at thirty-one, Anthony without requital even for the money he has spent. Essex

is favourite. His star is in the ascendant : Raleigh, early in 1592, loses fame. These young politicians know how Leicester's and Hatton's stars went up on the strength of a good person, and they have seen Essex already drive out Raleigh. The Queen is but a woman. *Qu'elle est moins folle que les autres ; car toutes en tiennent de la folie.** Essex is young ; Burleigh is old. The star of the one ascends, the other's light wanes. The veteran statesman has even been heard to complain of her Majesty's treatment of him for the sake of that rash, ill-advised boy. What say the courtiers and the wits about town ? They say that Essex, the popular idol, will supplant the testy old Lord Treasurer—that Burleigh is old, and, in the course of nature, will not live long. Young Robert Cecil is no man to wear his father's shoes, and he moreover loves not his cousin, and is jealous of Francis. So the lawyer of thirty-two and the politician of thirty-five, keen diplomatists both, trained in a good school, throw in with Essex. Essex is liberality itself personified. Timon's self is not more bountiful. He needs older heads ; then let Francis go into the best market.

Francis did go into the best market. Essex and Francis Bacon became friends ; first, lord and feudatory, then client and patron, afterwards intimates. Anthony becomes an inmate of Essex House, a home, no doubt, more comfortable than his poor lodgings in Gray's Inn, and henceforth we must trace the stars of Essex and Francis in conjunction, as they choose their precipitous path up through the heaven of politics, high destiny, and great affairs.

* Standen to Bacon, 1591.

CHAPTER V.

ROBERT DEVEREUX, second Earl of Essex, was the son of Walter Devereux, first Earl, who died in 1576, in the Queen's service in Ireland. Two years after her husband's death his mother married again, to Robert Dudley, Earl of Leicester, the favourite of the Queen.

Spite of the dark nature imputed to Robert Dudley by his contemporaries, his unpopularity, the charges made against him of poisoning all whom he had an interest or malice to injure, he seems to have been a kind and affectionate husband.

Notwithstanding the boy Robert's natural dislike to his father-in-law, the great Earl stood honestly in place of a father to him. In the year fifteen hundred and eighty-five, being then eighteen years of age, he served his first campaign as general of the horse and field marshal, under Leicester, in the Low Countries. Two years after his general introduced him to his Queen. Whether owing to his early natural grace of manner, unusual generosity of temper, boldness and promptitude, or the Earl's recommendation skillfully tempered, her Majesty at once took him into her favour—a fact the more singular that he was neither of

a fine person nor of a handsome face, having only very expressive eyes and small and delicate hands to recommend him. He was a tall, slender lad; eager and energetic; walking with his head forward; ever in a hurry; full of animal spirits; bold and outspoken, carrying alike his loves and his hatred bare upon his forehead. Between him and Elizabeth there was a tinge of kinship, but not such as was likely to benefit him, for Elizabeth hated his mother Lettice Knollys, and so was hardly likely to love her son. That his kinship subsequently furthered her love for him there can, however, be little doubt. Finding him bold, ready, and free from guile, a contrast to the courtiers about her, she took him at once into favour and, in 1588, at the great camp at Tilbury, before the assembled armies of England, graced him above his father-in-law, as was ever her way with a new favourite, and made him a knight of the garter. In fifteen hundred and eighty-nine, being bent on adventure, he departed with Drake's expedition to Portugal, equipping several ships at his own charge. Two years after he was commissioned by the Queen to assist Henry IV. of France with four thousand men. Intermediately he had married Frances, the daughter of the great Sir Francis Walsingham, and the widow of Sir Philip Sidney. This marriage, unquestionably, injured his cause with Elizabeth, who expressed herself much incensed with his conduct, at a marriage so much below his station; but he has again received favour, and is now the mould of fashion and of form, the courtiers', soldiers', scholars', eye, tongue, sword; the expectancy and rose of the fair state, &c., and the royal favourite.

In Feb. 1592, Anthony Bacon returned to London, as

we have seen. In October we find proof in a letter written by Standen, his Catholic correspondent abroad, that Essex and Anthony Bacon are friends, that the Earl has already heaped favours upon Anthony. Standen's letter is in answer to one from Anthony, and thus alludes to the subject:—

“ To return to the noble earl you are so worthily esteemed of, Essex. It seems that, for the remedy of all, God hath reserved unto him the means, not only to serve his prince and to do good unto his country, but also to bind unto him all the Catholics of Christendom ; I mean if he would by your advice enter substantially into the matter of toleration for the Catholics at home, which, for the reasons I have in my former alleged, is so needful. All such priests as should deal in matters of state, I would have them punished without mercy. Such as simply, and without any ill intentions, went about catechizing and ministering of the sacraments should not any way be vexed.”

Here, then, if the Earl of Essex is driven into complicity with the Catholics, here is its beginning. Here we see the cloud no bigger than a man's hand that is to breed the thunderstorm, as, say some, the Gunpowder Plot. A recent author affirms the Essex plot to have been a Popish plot. If it were so, Anthony Bacon was the first mover in Catholic matters ; and we have that “ active-witted but slow-footed ” man to thank for the first move. But the fact is, no more erroneous supposition could be put forth. Catholics, of course, engaged in it. They were ill-treated and persecuted. They were harassed in purse and person. It was natural that they should rebel. A Catholic of that day might probably have been secured in aid of any dangerous enterprise. Spain and the

Catholic countries, encouraged every disaffection and rebellion in their co-religionists, that could weaken the Protestant cause, (or England, the stay of that cause) throughout Europe.

The Earl, however, lived, and remained and died a Puritan. Like his father-in-law, Leicester, he, from the first, favoured that body. But he was also tolerant in religion to the last. His dying words were to this effect. That he had and would persecute none for religion's sake ; but a Catholic he never had been.

But though Bacon and his brother engage with the Earl, Francis Bacon is not one of those who would greatly win. He fears to break with his uncle. He will try both sides. And we find him in this year, or early in the next, writing a long article in answer to a pamphlet issued by Father Parsons, a Jesuit, attacking the government of Elizabeth, but particularly directed against the two Cecils, father and son.

In this pamphlet Francis Bacon supplies a character of his beloved cousin Sir Robert Cecil. Among the correspondence, there exists an estimate made after his death of the same person. They are printed together, in order that the discrepancy between a portrait from the life and a post-mortem representation may be seen. Either one is surely too candid, or the other too kind.

PORTRAIT OF SIR ROBERT CECIL, AFTERWARDS EARL OF
SALISBURY, BY HIS COUSIN, FRANCIS BACON.

“ For it is confessed by all men that know the gentleman Sir Robert Cecil, that he hath one of the rarest and most excellent wits of England, with a singular delivery and

application of the same ; whether it be to use a continued speech, or to negotiate, or to touch in writing, or to make a report, or discreetly to consider of the circumstances, and aptly to draw things to a point ; and all this joined with a very good nature, and a great respect to all men, as is daily more and more revealed. . . . Not his father only, but the state is bound unto her Majesty, for the choice and employment of so sufficient and worthy a gentleman."

PORTRAIT BY THE SAME HAND OF THE SAME PERSON
AFTER DEATH BUT BEFORE BURIAL.

" Your Majesty hath lost a great subject and a great servant. But if I should praise him in propriety, I should say that he was a fit man to keep things from growing worse, but no very fit man to reduce things to be much better. For he loved to have the eyes of all Israel a little too much on himself, and to have all business still under the hammer, and like clay in the hands of the potter, to mould it as he thought good ; so that he was more *in operatione* than *in opere*," &c.*

" He is gone from whom these courses did wholly flow. So have your wants and necessities in particular, as it were, hanged up in two tablets before the eyes of your Lords and Commons, to be talked of for months together ; to have all your courses to help yourself in revenue or profit put into printed books, which were wont to be held *arcana imperii* ; to have such worms of aldermen to lend fourteen in the hundred upon good assurance, and with

* Montagu, vol. xii., p. 281. Letter to the King immediately after Robert Cecil's death.

such as if it should save the bark of your fortune ; to contract still where might be had the readiest payment, and not the best bargain ; to stir a number of projects for your profit and then to blast them, and leave your Majesty nothing but the scandal of them ; to pretend an even carriage between your Majesty's rights and the ease of the people, and to satisfy neither ;—these courses, and others the like, I hope are gone with the deviser of them, which have turned your Majesty to inestimable prejudice.”*

During this year, 1592, Raleigh is full of adventure, plans an expedition to Panama to suppress the Spaniard and seize his ships, but is thwarted. His little fleet is dispersed by a tempest, and his fly-boats drowned, and the news at last arrives that no ships had gone from Spain. All of which determines him to divide his fleet, and place half under command of Frobisher and half under command of Sir John Burrough, and send them, one to coast the Spanish seaboard, and the other the Azores, to stop the vessels returning from the East Indies. Burrough has luck, for while the Spanish admiral is engaged watching Martin Frobisher on the coast, Burrough falls in with a convoy of carracks richly laden, and takes spoil valued at 150,000*l*. This summer there is a great drought, and the Queen, in her progress, visits Oxford.

We come now to the year 1593, which is once more to open a chance for the briefless barrister, Francis Bacon. He is still engaged working half the night (and sleeping half the day), on all kinds of experiments ; writing an answer to Parsons' libel, penning political works, making notes for future histories. Pursuing his experiments.

* Montagu, vol. xii., p. 283. See also letter of September 18th.

Thinking out his vast scheme of philosophy, and engaged in a hopeless struggle with his more and more involved financial position. So it has often, almost ever been, the mighty genius has to descend from its elevation to bargain and traffic about trifles—Defoe to sell hose; Shakspeare to huckster for pit prices; Newton to arrange the details of coining money; Bacon to scheme petty devices to stave off his duns and the ever-encroaching Jews. In the month of April, this very month that parliament opens, things were grown to a climax.

Anthony Bacon went down, in June or July of last year, to his mother at Gorhambury, leaving Francis solitary in his chambers at Gray's Inn. In February he returned. On the 16th of April, Anthony writes to his mother on behalf of Francis, to remind her of a promise she had made to part with some portion of her estate for his benefit—to remind her not only out of tenderness to the health of his brother, "which depends, as I know by experience, not a little upon a free mind, but likewise to his credit, since he would otherwise be obliged to forfeit the reversion which had been granted to him of the Star Chambership (the gift of Burleigh), or to undersell it very much, to the avoiding of all which great inconveniences I see no other remedy than your ladyship's surrender in time." Concluding by avowing this was done by his own motion and not with his brother's knowledge, a harmless fiction doubtless, but sufficient to deceive a fond mother.

Parliament had met in the month of February. On the 24th Mr. Peter Wentworth and Sir Richard Bromley deliver a petition to the Lord Keeper, pray-

ing the Lords to join the Commons in a supplication to the Queen to entail the succession of the crown ; for which piece of audacity the two gentlemen are on Sunday the 25th — so urgent is the Royal anger — called before the Lord Treasurer, and the same day committed to the Tower to repent their patriotic zeal to see her majesty married. The following day we find Francis Bacon named on a committee with Yelverton, Sir Francis Drake, Sir Walter Raleigh, Sir Edward Hoby, Bacon's cousin, and several other gentlemen, to make report touching the returns of knights and burgesses to parliament. On the same day he speaks, following Sir Robert Cecil, for a subsidy to the Queen, and his speech contains the following passage, not relating to the matter in hand, but which is the only part reported ; probably because in the rest of his argument he went over the same ground as the previous speakers.

He has been brooding, in the silence of his chambers, over the state of the law. He thinks it needs reform ; nay, who so fit to reform it as himself ? He has little or no practice at the bar. He has vast contemplative ends. He is a man of mark in the house. Can it be doubted that his ambition vaguely shapes itself into the hope that he may yet be permitted to be the Ulpian of his age ?

“ The cause of assembling all parliaments hath been hitherto for Laws or Moneys—the one being the sinews of peace, the other of war. To the one I am not privy, but the other I should know. I did take great contentment in her Majesty's speeches the other day delivered by the Lord Keeper ; how that it was a thing not to be done suddenly, nor at one parliament, nor scarce a whole year

would suffice to purge the statute book, and lessen the volume of laws, being so many in number, that neither common people can practise them, nor the Lawyer sufficiently understand them, than the which nothing should tend more to the praise of her Majesty."

This is not very practical, and is marked by Bacon's characteristic vagueness and incertitude of style. The next passage is more to the purpose.

"The Romans appointed ten men, who were to correct and recal all former Laws, and to set forth those Twelve Tables so much of all men to be commended." Bacon's knowledge of history is not accurate, or he misses the precise example and precedent which he needs in Justinian, while dealing with the twelve tables. "The Athenians likewise appointed six for that purpose. And Lewis IX., King of France, did the like in reforming his Laws;"* here the reporter breaks off abruptly. The committee, however, is appointed to consider the subsidies, and not to concern itself with the reform of the law; and this speech, so far as we know, fell still-born on the House. The subsidy committee includes Mr. Christopher Blount, who is to fall by the Essex House Plot, Mr. Fuller, Mr. Nathaniel Bacon, half-brother to Francis, and the second son of his father by his first wife, and Sir Walter Raleigh among its names.

At this time the persecution of the Established Church against the Catholics has grown to a serious head, and is exciting murmurs within and without. The bishops and ordinaries exercise almost uncontrolled power for the persecution of their neighbours in ecclesiastical affairs,

* D'Ewes, 473.

and the power to burn heretics, by the writ "*De Comburendo*," still exists. So, on Tuesday, Feb. 27th, Mr. Morris, attorney of the Court of Wards, rises to plead against "the hard courses of the bishops, and ordinaries, and the ecclesiastical judges in their courts," having compelled innocent people to accuse themselves on their own oaths, because they know not to what questions they shall answer till after the time they be sworn. That they, moreover, imprison the subject, deprive him of his goods, or otherwise injure him, upon his own accusation. Mr. Dalton stands up, in reply, for ecclesiastical government. Sir Francis Knolles thinks the bill a good bill, and fit to be read, as tending to reform abuses and to restrain the prelates, but not as injuring any member of the state. Dr. Lewen, a civilian, answers Mr. Morris historically and at length, by metaphor and trope. He holds inquisition to be lawful, because it had been long used and allowed by the greatest monarchs; for although a man accused was punished, yet, if the accuser failed in proof, he was punishable too; or the accused, if the accuser failed in his proof, might, by producing two witnesses, be acquitted. Subscription, that is, compulsory adhesion to a certain fixed oath, was used at Geneva, and was thus allowable here. Moreover it was good by statute. Mr. Henry Finch followed on the same side. Then follows young Mr. Oliver St. John, whom, nearly twenty years after, we shall find Bacon pleading against. As, in 1615, we find him on the side of liberty against oppression.

*Mr. St. John.**—It is customary for the House, after the wisest, to allow and hear the meanest. He is yet

* Condensed for brevity.

young ; but he will show them matter which is old. In answer to Mr. Lewen he will plead the statute, *Nullus liber homo*.* That no free man is to be disseised of his tenure ; which is flatly violated by bishops' jurisdiction. The bishops are trying the courses of Thomas à Becket. If antiquity or prescription is justification, the thieves may take purses on Shooters' Hill because time out of hand they had done so. And as for the trial by inquisition it is not so old as that by accusation, for the Saviour first asked against the adulterous woman who were her accusers. And as to enforced subscription to an oath, that was not intended by the statute, but a subscription to certain articles in religion. And because it is allowed in Geneva is no reason it should be allowed here. In Geneva many things are allowed which the person proposing their example would be loth to follow.

Sir Robert Cecil hereupon spoke, asking the bill to be delayed. And after him rises the Speaker, Sir E. Coke, asking to be allowed to retain the bill, "which he will keep with all secrecy till he has read it, which he has had no opportunity to do. At two o'clock in the afternoon the Queen, being apprised by Cecil of the bill, sent for Coke, and ordered no further attention in the matter. Here is Coke's statement to the House. After detailing his attendance on her Majesty's command, "that it was the queen's pleasure the House should not meddle with things ecclesiastical, and that no bill touching such matters be exhibited ; and I am commanded," adds the Speaker, "if any such bill be exhibited, on my allegiance not to read it." On Friday, March 2nd, Cecil again

* The 29th cap. of Magna Charta, made such good use of by Coke after, and the foundation of Habeas Corpus.

brings forward the question of a subsidy to the queen, as usual Mr. Francis Bacon following. In all the parliaments in which he has sat, we have seen him make no speech on the side of liberty or of freedom, nor on any subject of general policy, save and except the one referring to a codification of the laws; but he has always followed, like an echo, Sir Robert Cecil.

He yields to the subsidy, but objects (mislikes) that the lower should join with the upper house in granting it. "For the custom and privilege of this house hath always been first to make offer of the subsidies from hence. And reason it is that we should stand upon our privilege, seeing the burthen resteth upon us as the greatest number; nor is it reason the thanks should be theirs. And if we join with them the thanks will be theirs, the blame ours, they being the first movers;" concluding by suggesting that they shall sit apart in the matter, as heretofore, drawing out of his bosom an answer, prepared for the occasion, to be sent to the Lords.

Here is Bacon in a new aspect. No longer the tool of the Cecils, no longer "tied by all duties, both of a good patriot and of an unworthy kinsman and an obliged servant," to do them service. Is the stroke Essex's or Anthony's? It is not his own, surely.

The house "approved the said Mr. Bacon's opinion." As indeed it well might, his speech being bold and manly, well founded in law as to precedent, and an out-spoken declaration of the privilege of parliament. On the 7th he speaks again. Mr. Francis Bacon assented to three subsidies, but not to the payments under six years, for three reasons: the difficulty; the danger and discontent; and, thirdly, the better means of supply than subsidy.

"1. The impossibility or difficulty. The poor man's rent is such, that he cannot pay so much for the present. The gentlemen must sell their plate, and farmers their brass pots, ere this will be paid. And for us, we are here to search the wounds of the realm, and not to skim them over; therefore we are not to persuade ourselves that the people's wealth is greater than it is."

"2. The danger and discontent; because, in putting two subsidies into one, we make a double subsidy. For it maketh four shillings in the pound—a double payment. So we shall put an evil precedent upon posterity. And in history it is to be observed that the English are not to be subject base or taxable."

From this time, parliament sits busily till the 10th of April; the reports growing more voluminous now in D'Ewes. We search in vain through many pages, full of speeches of different members, but there is no mention of Mr. Francis Bacon again appearing in affairs of state, this session. His name occurs in several places in connection with the Star Chamber, on account of his reversion; as one of the privy council of the house to stop inquiry into abuses, and as a member of different committees; but he is silent on the subsidies when they are next proposed. Questions of law as to designation of facts, of subsidy, concerning individuals, and general policy, but he is silent on all. It is, to say the least, singular. For an explanation we must seek elsewhere.

This speech gave great offence to her Majesty, who was most tenacious about her privileges, and of a temper not to be thwarted in anything. Two members were committed to the Tower this session, for suggesting that public policy

requires her marriage, as we have seen; and Morris is now in custody, and suing to Burleigh for enlargement. He talks of that traitor; and it is well for Francis Bacon if he does not get sent after them. Under such a system of terrorism do members of parliament work. The Queen's offence he is apprised of by the younger Cecil. Whether that wily minister first brought Bacon's remarks to her notice cannot now be known. He is no friend to his cousin. He is cunning and withal dangerous and implacable, cold and insincere. In an interview a few days after with the old Lord Treasurer, who grows old and testy, and is now wifeless,* Bacon is told how much offence he has given; and, perchance, recommended to write a letter expressing his contrition and error, which, it is much to be regretted, he did; whether of his own will, or on a hint of the Lord Treasurer, mattering little.

FRANCIS BACON'S LETTER TO THE LORD TREASURER
BURLEIGH, IN APOLOGY FOR BEATING THE GOVERN-
MENT.

"It may please your Lordship,

"I was sorry to find, by your lordship's speech yesterday, that my last speech in parliament, in discharge of my conscience and duty to God, her Majesty, and my country, was offensive. If it were misreported, I would be glad to attend your lordship, to disavow anything I said not. If it were misconstrued, I would be glad to expound myself, to exclude any sense I meant not. If my heart be misjudged, by imputation of popularity or opposition, by any envious or officious informer, I have great wrong; and the greater because the manner of my speech did most evidently show that I spake simply, and only to satisfy my conscience, and not with any advantage or

* Lady Burleigh died April, 1589.

policy to sway the cause ; and my terms carried all signification of duty and zeal towards her Majesty and her service. It is true that from the beginning whatsoever was above a double subsidy I did wish might, for precedent's sake, appear to be extraordinary, and for discontent's sake might not have been levied upon the poorer sort ; though otherwise I wished it as rising as I think this will prove, and more. This was my mind ; I confess it. And therefore I most humbly pray your good lordship, first, to continue me in your own good opinion, and then to perform the part of an honourable friend towards your poor servant and alliance, in drawing her Majesty to accept of the sincerity and simplicity of my zeal, and to hold me in her Majesty's favour, which is to me dearer than my life, and so, etc.

“ Your Lordship's most humble in all duty,

“ FR. BACON.”

This, it must be confessed, is not brave language. At least for a man who has beaten the government by a majority of 217 to 128. Yet, bating the last, it is just. That he wishes the subsidy as much (as rising, as I think this will prove), having taken the most effectual means to hinder it, by declaring the double assessment of four shillings in the pound too much, is not so clear. It may be said—it has been said—in justification of Bacon's letters to persons in power generally, that they were only in consonance with the tone of expression of the age. There is, singularly, a letter extant, from one of the two prisoners committed to the Tower, written in this very month* to Lord Keeper Burleigh. He is an older man, a lawyer, a recorder of Chelmsford, and it is in similar suit to Bacon's ; but under much more urgent

* Lodge, vol. ii., p. 445, March 1st, 1592.

circumstances. It is from a prisoner. His age, his chance of promotion, his family, are hindrances, if any, to his independence. Here are two extracts from his letter :—

“ I see no cause in my conscience to repent me of that I have done, nor to be dismayed, although grieved by this my restraint of liberty, for I stand for the maintenance of God and my prince, and for the preservation of public justice, and the liberties of my country against wrong and oppression, being well content at her Majesty’s good pleasure and commandment to suffer and abide much more. . . .

“ Pardon my plain speech, I humbly beseech your honour, for it proceedeth from an upright heart and sound conscience, although in a weak and sickly body ; and by God’s grace, while life doth last, which I hope now, after so many cracks and crazes, will not be long, I will not be ashamed, in good and lawful suit, to strive for the freedom of conscience, public justice, and the liberties of my country.

“ Her Majesty’s humble prisoner,

“ Your Lordship’s most bounden,

“ JAMES MORICE.” *

Here is a public servant, in imminent danger of confiscation of all his large estates, of reduction to beggary, of imprisonment with what fatal result he knows not, in bad and broken health—he dies prematurely at forty-eight—writing on similar grounds ; but every impartial reader must feel in a very different strain. But Francis Bacon is determined to rise. The world is his oyster, which he, with his wits, will open. He is a courtier. As one of that class, he is prepared to crawl ; more than is consistent with dignity.

Lord Macaulay thinks in the speech which necessitated

* This letter, signed “ Morice,” is only an instance of the arbitrary mode of spelling in Elizabeth’s day. I have adopted the modern spelling, as he was generally spoken of as Morris.

this letter he aimed at popularity, or rather that it was part of a systematic attempt to gain popularity. But there is no evidence of this. His previous language in the same session on other matters is in consistence with his pledges of fealty to Burleigh. His reliance on his lordship has been shaken by his own conduct. But he still hopes against hope, by pliancy to win the Queen's favour. Anthony is drawing the bonds tighter between himself and Essex, and would wish Francis to do the same. It is certainly not impossible that Essex and Anthony may have had some part in this attack on government. Not that it requires such an explanation of motives. Bacon may have conscientiously believed the Subsidy excessive. He did not think the consequences of opposing it would be so severe. Nay, he may have seen evil in the act, and out of his generous and feeling heart—for he has a nature promptly sympathetic to pain and suffering in others—have believed much misery will result. Yet such a theory would be very barely consistent with his character. More probably it is an ebullition of temper—an attack on the Cecils. Yet the Queen is greatly incensed, and if that was the motive the stroke has failed. On the 16th of April, Anthony writes to his mother that the Earl of Essex had been twice very earnest with her Majesty concerning his brother Francis, “whose speech being well grounded, and directed to good ends, I doubt not but God in his mercy will in time make it an occasion of her Majesty's better opinion and liking.”

Of the Earl of Essex's further labouring in the cause of his young friend, we find a letter, written in the same month of April by Bacon, containing this passage: “The care whereof, touching mine own fortune, in your lordship,

as it is no news to me, so nevertheless the main effects and demonstrations past are so far from dulling in me the sense of any new, as contrariwise every new (favour) refresheth the memory of many past."* The rest of the letter is equally involved in style, but states that he will not dispose of himself without Essex's allowance, because it is well to be advised by a friend, and because "my affection to your lordship hath made mine own contentment inseparable from your satisfaction."

Here at least is some indication of Francis Bacon's playing fast and loose. The Cecils and Essex are foes in politics, yet the young adventurer writes "That I will not dispose of myself without your allowance." In June, Anthony Bacon introduces Standen to Essex. Standen has been exiled for his religious or political opinions, or both. He is an admirable political agent, well versed in continental politics, and is the guest of the Bacons, in Gray's Inn.† The Earl has been apprised of his political value; and as he, young as he is, fights with the Cecils for power in the realm, he has at Anthony Bacon's instance procured the remission of his banishment and a permission to return. Even before he arrives, the Earl writes to be apprised of his coming, when he will call at Gray's Inn, secretly to have an interview with him in presence of Anthony Bacon. The two brothers are in all things ready to serve their generous patron who is in power. They have abilities and capacities that cannot be thrust down, and will make themselves useful, and, if possible, necessary, to the young favourite. Standen bids for Lord Burleigh's service, but is slighted. Essex is induced by the Bacons to adopt him. On the 4th of July he

* Birch, 'Mem. of Queen Eliz., vol. i, p. 97. † Ibid. vol. i., p. 113.

writes, being still with the Bacons, thanking the earl for his gracious intercession with her Majesty on his behalf, "I am now entered into entertainment *fattura di V. S. illustrissima*." On the 18th of July, Anthony and Francis Bacon are at Twickenham ; and Anthony writes thence to his brother : "That their honourable and most kind friend the Earl of Essex had been there, at Twickenham, the day before, for three hours, and most friendlily and freelily promised to set up his whole rest of favour and credit for Mr. Francis Bacon's preferment before Mr. Edward Coke, whenever the Attorney-General Egerton should be removed to the Rolls. His lordship told me likewise that he had already moved the Queen for my brother, and that she took no exception to him, but said that she must first despatch the French and Scots ambassadors, and her business abroad, before she thinketh of home matters."

In this passage we have the first intimation now existing, that Bacon was anxious to obtain the office of Attorney-General—that he hoped to gain it through Essex's intervention—and that the Earl's agency was looked on as a special mark of favour and kindness.

Two or three errors of opinion have long existed as to the connection between Bacon and the Earl of Essex. They have been spoken of as mutual friends. They have been declared lord and servant, as the wish has prevailed to ascribe Essex's generosity to benevolence or mere selfishness. At first they were neither. The tie was of patron and client. Anthony Bacon, from his first return to England, enters into the service, as an amateur or volunteer, of the Earl of Essex. The Earl has wealth, station, and power. Anthony Bacon has his own good wit. They may be useful to each other. They

make a friendship, which is one of the strongest kind, being founded on mutual advantage. Francis is no active partner in this concern, but he is to share the profit. He is still briefless, an unsuccessful lawyer, more given to philosophy than jurisprudence. Whose tastes, as he has more than once emphatically declared, lie nearer science and literature than law. His knowledge as a jurisconsult broad and philosophic, is not the knowledge of daily practice. For every case he can cite from the statutes and the year-book, Coke could give a thousand. He is no man for the attorneys. He sleeps while the men plod at Westminster Hall. He works while they sleep, on mighty schemes of universal reform, which shall dwarf their little labours to mole-hills beside the mighty pyramid he is building up to his eternal fame. What of that? Bacon is given to contemplative ends, and is not qualified for office. Yet Essex will not have it so. He appreciates the genius of the struggling philosopher. He believes, and believes truly, that a man so wise, so great in intellect, will not fail in any intellectual exertion.

The Earl has no great knowledge of law, but he knows Bacon. He believes, doubtless, he will honour any station. At any rate he is an enthusiast, who does nothing by halves. He loves or hates with equal impetuosity and vehemence. Bacon he admires, and will serve. He will try and help him to the attorney's place. Francis Bacon has done nothing for him, never served him. The generosity is pure on his patron's part. He knows that Bacon is wasting away miserably a noble life in chambers; pining ingloriously in obscurity; a prey to that hope deferred which is said to make the heart sick. For the first time in his life, a powerful and friendly hand is held out to Francis Bacon.

He is nearly thirty-three. He is likely to live in this hateful inactivity to the end of his days, unnoticed and unknown. Let us consider he was precociously wise, yet up to this time he has done nothing, literally and absolutely nothing, to distinguish himself publicly. So soon to blow, his genius is yet so late to produce fruit.

His defence of Burleigh, now published, is poor in every sense. It is not acute ; it is not vigorous ; it is not worldly. He has not found the right vein. His 'Greatest Birth of Time' was still-born. In the best school of practice he has had little culture. Men cannot become lawyers by mere reading, much less can they do so by divided attention. Will any person pretend to declare that Bacon is likely to obtain office as a lawyer? That he ought to do so? It is pardonable for his friends to try and place him. They know him best—much better than the world ;—what he can do, or may do, rather than what he has done. The world gives him repute only for what is passed to his account in the great ledger. There his name stands, with nothing to his credit.

Yet all historians and biographers seem to think that he was neglected and ill-used by Elizabeth, kept down by his relatives, or marred by Essex's interference. There is reason enough without any of these causes concurring. He is a competitor with Coke ; yet Coke has been Speaker of the House of Commons, and is the best lawyer in Westminster Hall. Moreover, Coke is a man of known integrity. He has the largest practice of his day, but is not merely learned in practice. He knows more black-letter law, more of the books, than all the rest of the bar put together. Is it not reasonable to suppose that Coke, already honoured by the commons, the solicitor-

general* an older man, nine years older, of infinite practice, and powerful where he is most required to be powerful as attorney-general, viz. as a lawyer, should be chosen? Shall the Queen reject a great lawyer to take an untried man? Shall she turn from the general opinion to special favoritism? Coke's practice proves his repute with lawyers. Bacon's want of it no less proves his. Even a father's services cannot, nor ought not, to weigh against merit like that of Coke's. So her Majesty pauses, even though Essex cajoles. No one thinks Bacon fit for the place but Essex, she declares. And at another time, "Bacon strives to the utmost of his power in law, but in law he is not deep." The Queen is too sagacious to do so unwise, so unjust a thing. To lift Bacon over Coke would be to expose herself to the calumny and slander as well as the just reprehension of the whole realm. She pauses out of love to Essex. She will not decide against him. But for fear of public opinion she will not decide for Bacon. A better opportunity may arise.

Is it nothing to be a great lawyer? Has Coke no claims to honour—to be dissatisfied at his tardy recognition? Yet no one has considered him an injured man. He has wooed the Law alone. He has made her his sole mistress. If his fidelity is not to be rewarded, then indeed is he an injured, an ill-used man. So there is a pause. But Bacon will not be idle, and will leave no stone unturned to gain his end.

Before pointing out the Earl's and Bacon's labours to make the latter Attorney over Coke's head, we will proceed with the train of communication in the family circle of the two brothers. By the Earl's intercession, Mr. Standen is permitted to have an interview with her Majesty, in

* Coke was made solicitor-general in 1592.

which he satisfies her so sufficiently of his loyalty, that she commands him to write an account of his adventures abroad for her perusal. Anthony Bacon also requests the Earl to sue to the Queen that Standen's brother may be restored to the commission of the peace. Anthony Bacon, in return, busies himself in Essex's service in obtaining and carrying further intelligence from abroad, and especially with Scotland. He remits Dr. Morison thirty pounds on account of intelligence received or to be gained in Scotch affairs, at present very precarious, in other words, to act as spy upon the Scotch king. In August, Francis Bacon is at Windsor with the court, and Standen requests him to present his narrative of his travels to the Queen, which the wary and cautious Bacon, who will not permit himself to be mixed up with Catholics, takes care to avoid by indisposition.

The Earl, as usual doing nothing by halves, writes a letter recommending Mr. Standen to another friend, a Mr. Weston, desiring his good opinion and favour for his sake, adding, "whom it is needless I would desire you to love more for my sake." Lady Bacon is not, however, so favourably disposed; and such is the emphatic temper of that pious and noble lady, that on her threat of appearance at Twickenham, where Standen and a friend are the guests of Anthony, they beat a hasty and ignominious retreat, as she will have no Catholics in her house, not she, perverting her sons. She has already cautioned them to beware of Papists and Jesuits, who go about to ensnare the godly;* but young men are so heedless and so unsuspecting. Good, kind mamma!

* See Standen's letter. Anth. Bac. Correspondence. Lady Bacon's letter, June 26.

From the day that Bacon spoke up against the double subsidy and beat the government, he has been out of favour with the Queen. While Anthony is at Twickenham, he has been six weeks or more hanging about Windsor, in hope of an interview with offended Majesty. Essex is pleading for him. Six months or more have elapsed: it is now the end of September; yet his Mistress is implacable as ever. The Earl writes to Francis that he has attempted to mollify her—that he is constantly urging upon her Bacon's restitution to her grace and princely favour.

"A day or two since I spoke to her," said the Earl, "as she was going in to her supper, who cut me short, being but just arrived," and probably very hungry. "Yesterday, however, I had a full audience, but with little better success. The points I pressed were an absolute amnesty, and an access as in former times. Against the first, she pleaded you *were more in fault than any of the rest in parliament*; and when she did forgive it, and manifest her receiving of them into favour, that offended her then, she will do it to many, that were less in fault, as well as to yourself. Your access, she saith, is as much as you can look for. If it had been *in the king, her father's, time a less offence than that would have made a man be banished his presence for ever*. But you did come to the court, when you would yourself; and she should precipitate too much from being highly displeased with you, to give you near access, such as she shows only to those that she favours extraordinarily. I told her, what I sought for you was not so much for your good, though it were a thing I would seek extremely, and please myself in obtaining, as for her own honour, that those excellent translations of hers might be known to them who could best judge of them. Besides, my desire was that you should neither be stranger to her person nor her service; the one for your own satisfaction, the other for her Majesty's own sake, who, if she did not employ you, should lose the use of the ablest gentleman to do her service of any of your quality whatsoever. Her humour

is yet to delay. I am now going to her again ; and what I cannot effect at once I will look to do *saepe cadendo*. Excuse my ill writing. I write in haste and have my chamber full of company, that break my head with talking."

Poor, unhappy, generous young earl ! So shall ye be requited. In eight years, nay, not so much, the man whom you now seek to serve will have his knife in your heart. He will strike home. Will turn and bite the hand that fed him. Will prove you to be Pisistratus. Will kick you aside, the ladder by which he rises. Yet worse, he will calumniate you dead, and while still enjoying the results of your munificence, for a sum of twelve hundred pounds he will prostitute his genius to the defamation of your memory. Alas ! alas ! so it often is : nothing will avail that man who is not his own best friend.

On the 11th of September the Earl of Essex gives 100*l.* to Morrison, Anthony Bacon's agent in the Scotch capital—a proof that Anthony is working in Essex's cause, and for his own and brother's advancement. The day has not yet come for either, to turn upon the Earl and deny his favours ; so Anthony writes the same day to his mother, with this passage in the letter—

" I cannot tell in what terms to acknowledge the desert of the Earl's unspeakable kindness toward us both, but namely to him now at a pinch, which by God's help shortly will appear, by good effects. Surely, madam, I must needs confess, beseeching God to give us the grace and means to be thankful therefore ; *the Earl declareth himself more like a father than a friend unto him*, and doubt not, but that if he should be first, do but second the earl, those gifts which God hath bestowed on my brother shall lie

no longer fallow.”* A few days after it may be presumed, for the letters do not bear the exact date, but the month only, the earl writes in answer to Mr. Francis Bacon:—

“MR. BACON,—†

“Your letter met me here yesterday. When I came, I found the Queen so wayward, as I thought it no fit time to deal with her in any sort, especially since her choler grew towards myself, which I have well satisfied this day, and will take the first opportunity I can to move your suit. And if you come hither, I pray you let me know still where you are. And so, being full of business, I must end, wishing you what you wish to yourself,

“Your assured Friend,

“Sept. 1593.

ESSEX.”

Was there ever such a friend? Such a zealous, indefatigable friend; so forgetful of self; so rash in running into danger for others; so ready to provoke the Queen's great anger? But if the Earl is indefatigable for another, Bacon has at least the merit of being indefatigable for himself. He writes to Burleigh and Robert Cecil; indeed, he is a man not to be put off easily. Robert Cecil answers him at length in a letter too long to quote. It says reasonably, however, “that it is not likely to find the Queen apt to give an office when the scruple is not removed of her forbearance to speak with you.‡ Burleigh writes like a busy man and a Lord Treasurer on the same day.

“NEPHEW,—

“I have no leisure to write much; but for answer I have attempted to place you; but her Majesty hath required the Lord Keeper (Puckering) to give to her the names of divers lawyers to be preferred; wherewith he made me acquainted, and I did name you as a meet man,

* Birch, ‘Memoirs, Eliz.’ vol. i., p. 122. † Montagu, vol. xiii., p. 13.

‡ Montagu, vol. xiii., p. 73. Letter of September 27.

whom his lordship allowed, in way of friendship, for your father's sake ; but he made scruple to equal you with certain whom he named, as Brograve (attorney of the Duchy of Lancaster) and Branthwayt, whom he specially commendeth. But I will continue the remembrance of you to her Majesty, and implore my Lord of Essex's help."

So, as far as we can see, there is no ground for the suspicion of Macaulay, that the Burleighs thwarted Bacon intentionally, or bore him malice. In truth, there is no need. Bacon, in law, is his own enemy. He is no lawyer. Puckering, the Lord Chancellor, has no opinion of him. Speaking to his near kinsman, the great Lord Burleigh, he will not even admit the nephew's claims. In the "way of friendship" and "for his father's sake," he might do. This is not flattering. A lawyer or an attorney-general, for his father's sake, is no great recommendation. The ship will not steer better because a man is no pilot but the son of a pilot. Though pressed, the wise Lord Keeper and judge will not allow him to be equal to older and more practised lawyers. Why should he ? In brief, what is now termed emphatically "a job," is attempted. A man less bold than Bacon, less resolutely bent on his own advancement, would pause before he attempted to take the wall of older and better men. But he has no scruples. He is of the stuff to get on. He will rise in the end. Such a man cannot be denied, for perseverance of this mettle is better than "patient merit" which will take spurns of the unworthy.

About this time, Francis Bacon also wrote to the Queen a bold, hardly a politic letter, scarcely even courteous, commencing "Madam," in which he declares he does that for her "which I never would do for mine own gain ;" he alleges that he only desires a place in his profession such

as men of no great note in the profession, and younger in proceeding, "without blame aspire to." "He is glad to find, like the Lacedæmonian, that there is such choice of abler men if her Majesty like another better. The conclusion shall be that I wish your Majesty served answerable to yourself. Principis est virtus maxima nosse suos." A letter that should, like many others, have been printed at length if space admitted, for its boldness and manliness, not to say rashness, of which we shall have another instance by-and-by.

On the 10th of October, Anthony sets out to see the Queen at Windsor, but is taken so ill at Eton as to be unable to proceed. On the 10th, he writes to his impatient brother Francis: "Yet if you will, and think it to the purpose, I mean to venture an extraordinary letter to the Earl, correspondent to the duty of a brother, and of a free devoted servant to his lordship, which I will be so bold as to beseech his lordship, having once read it, to burn in my man's sight." Anthony Bacon has written in his brother's behalf to Essex. The Earl, on or about the 16th or 18th, writes in reply, he has been so ill that he has been compelled to keep his bed, where he has remained ever since, or he would have written before. "She was content to hear me plead at large for your brother, but condemned my judgment in thinking him fittest to be attorney, *whom his own uncle did name fit to a second place*, and said that the sole exception against Mr. Coke was stronger against your brother, which was youth. To the first I answered, that it was rather the humour of my lord to have a man obnoxious to him, and to the second that the comparison held not good, for if they were both of one standing, yet herself knew there

was such a difference in the worthiness of the persons, as if Mr. Coke's head and beard were grown grey with age, it would not counterpoise his other disadvantages. And yet Mr. Bacon was the ancient in standing by three or four years. Your offers and my mingling arguments of merit with arguments of affection, moved somewhat ; but all had been too little if I had not a promise negative, and desired her, before she resolved upon any of them, to hear me again. So she referred me over till this day."

"To-day I found her stiff in her opinion, that she would have her own way. Therefore, I grew more earnest than ever I did before, insomuch as she told me she would be advised by those that had more judgment in these things than myself. I replied, so she might be, and yet it would be more for her service to hear me than to hear them ; for my speech had truth and zeal to her without respect of private ends. If I failed in judgment to discern between the worth of one man and another, she would teach it me ; and it was not an ill rule for to hold him an honest and wise man whom many wise and honest men hold in reputation. But those whom she trusted did leave out the wisest and worthiest, and did praise for affection. Whereupon, she bade me name any man of worth whom they had not named. I named Mr. Morris,† and gave him his due. She acknowledged his gifts, but said, his speaking against her in such a manner as he had done should be a bar against any preferment at her hands, but seemed to marvel that in their bill they had never thought of him. I told her that

* Birch, 'Memoirs of Eliz.,' vol. i., p. 127.

† This Mr. Morris was the recorder for Chelmsford, whom we have seen imprisoned. He has been released through the earl's intercession.

I was a stranger to the law, and to almost all that professed it ; but I was persuaded that there were many unspoken of more worthy than those that had been conceded to her. To conclude this last stratagem hath moved their proceeding, which yet hath been as violently urged this day as ever was anything."

So this mention of Mr. Morris is "a stratagem" is it ? being out of favour, though not hateful to her Majesty, and therefore not likely to hinder Mr. Bacon. We see by this that Coke has no reason to like the Earl of Essex, and if he requite him by-and-by it shall be no wonder. But then Robert Devereux having done so much to serve Francis Bacon, this last will stand his friend. We shall see. There is here no mention of Bacon's law, no attempt to show that he is fit for the place ; "he is well considered by the wise," but this is very vague testimony : it is not said that he knows his profession, but that he has other qualifications. The Earl as a young rash man will go further than Bacon's own uncle for him ; and being ignorant of Coke's transcendent merits will abuse him in the Queen's ear. In this character of Coke he has taken his cue from Bacon. Sparing no arts, even the most unworthy, to gain his end, the place-hunter has already vilified Coke to Essex—speaks of him as the "huddler." Why the opprobrious epithet is used, or wherein is its application, it is difficult to see. Perhaps Coke was not orderly in his business, yet no complaint has arisen to this point ; perhaps it was only in reference to his rhetoric ; and Coke, we know, was a huddler in this matter—tumbling out his barbarous law Latin, his proofs of holy writ, and his cases from the year books, without order or method, but always to the point—always exhaustively.

By November the 1st, the news has got abroad in the inns of court that the Queen has given way to the Earl; that Bacon is to be attorney over Coke's head; that Francis Bacon is to be made a public man at last. A friend, Robert Kemp, of Gray's Inn, barrister-at-law, writes to congratulate him; and Bacon writes back to him in great spirits, on the 4th, very happily and pleasantly, and, so far as I know, the only friendly and warm epistle he ever wrote. It contains this passage to the point. "For my fortune (to speak correct) it is very slow, if anything can be slow to him that is secure in the event. I propose to remain till Michaelmas term, then to St. Albans, and after term to court." So Bacon calculates on the certainty, and yet six days after, in a letter to the Earl, he writes:—

"I have some cause to think he" (probably Puckering) "worketh for the Huddler underhand. This I write to the end, and chiefly that your lordship be pleased to send again whether they have not amongst them drawn out the nail, which your lordship had driven in for the negative of the huddler," concluding by asking his lordship to urge again, and a postscript to burn the letter, "because it is not such, but the light showeth through."*

Mr. Standen delivered this letter. The original of which this is the copy, being "read with more length and attention than infinite others," and immediately burned by the Earl in a candle. Yet even now, after the lapse of three hundred years, the crime rises in judgment against the criminal, spite of his wariness and cunning.

We have traced this matter so far at length, and at

* Montagu, vol. xi., p. 74.

great risk of being tedious to the general reader, because the fame of Lord Bacon, justly or unjustly, is of that weight and importance that any hurried imputation, unenforced by proof, would be open to the heaviest charge of shame. I should not have entered on the uncongenial task of displaying fully the meanness of any man so truly despicable in his private actions, least of all of so great an intellectual benefactor, but for the injudicious and false assertions of a book recently published with the pretence of defending his fame, but really only with the intention of slandering and vilifying his contemporaries, and especially his noble friend Essex, and that great and distinguished lawyer, Sir Edward Coke.

Had an honest justification of Bacon been aimed at, it could have been gained without slander. His honour might be honestly defended, if it could not be excused. But clumsy falsehoods, deliberate falsification of history, gross perversions, could by no means gain the end. For untruths on their face court examination and disproof.

NOTE TO THE READER.

The two next chapters, being controversial and in direct reply to a Life of Lord Bacon recently published,* may be avoided, and the biography resumed from page 147.

* The 'Personal History of Lord Bacon, from Unpublished Papers, by William Hepworth Dixon, of the Inner Temple.'

CHAPTER VI.

A SIMPLE author once expressed a wish that his enemy (a reviewer) would write a book. He had no thirst for revenge. He believed, that critics are not infallible—that if one of that genus appeared in print, the world could decide how much less talent it takes to ruin a book than to write it. With how much delight ought the world of authors to be infused, now that Mr. Dixon, the very prince of critics, has again appeared among their ranks. If one man could rejoice over a single foe in print, how many hearts must be gladdened by the sight of the common enemy of mankind sacrificed on the altar of his own imbecility !

As the Editor of a literary oracle, as the sibyl of the modern temple of the Delphian Apollo, Mr. Dixon was constrained to take a dignified theme for his task. Shakspeare would have been most worthy perhaps the editor of an 'Athenæum' among the moderns, Æschylus or Homer among the ancients ; but on the whole prudence forbade either of these subjects. Bacon came next. Yes, Bacon was an admirable theme. A life of Bacon. Yet unhappily little was to be said of Bacon ; which being new would still be true, or true that would be new, unless

labour was supplied, and labour would have been unworthy of genius. Bacon's life had been written ably and well. Two of the greatest men of the day in their respective departments, Macaulay and Lord Campbell, had aspired to write the life of the modern successor to Aristotle's chair. Need it be said that what two such men had attempted had been worthily performed? Mr. Foss had also written an admirable memoir. But Mr. Dixon would outshine them all. He would convict Macaulay, as a bungling historian, and prove Lord Campbell's ignorance of law. The public are gratified with wine stronger than can be made of grape. Mr. Dixon will supply them with an article precisely suited to their palate. The familiar image will, I hope, be pardoned in writing on so magnificent a theme as the labours of the modern Alcides of the 'Athenæum;' but the task was conceived, need I say that it was also executed?

Several lives of Francis Bacon have at various times appeared. His dependents and personal friends, endeared to him by service with an indulgent master, had thought that the best part of publication in reference to his memory would be suppression. Contrary to the wish of his literary executor, the Lord Keeper Williams, afterwards Archbishop of York, his letters at various times crept into print. These convinced even the most cursory examiner that it were charity to the memory of so gifted a man, so great an intellectual benefactor, to allow his private life to fall quietly into oblivion. The contemporary history of his own day had loaded him in many cases with infamy, in all with condemnation. D'Ewes, Wotton, Weldon, Chamberlain, Carleton, Osborne, Coke,

and their immediate successors, Clarendon, Wilson, Whitelock, Hacket, Rushworth, Camden, Rymer, Rapin, had supplied sufficient evidence, in many cases with great unwillingness, to show that little could be said in praise of Lord Bacon's life, much in its blame.

Awed by his genius, enamoured of his philosophy, the most zealous admirer of his intellect, the most enthusiastic historian of modern times, had found the task of honest admiration impossible as applied to his acts ; and, with the most splendid tribute to his great gifts, even more than was just, gave up the task in despair. If any key were needed to Lord Campbell's transcendent success in life, it would assuredly be found in his 'Lives of the Chancellors.' The temper, the candour, the discrimination, the scholarly sympathy and the high integrity of the judge and the great lawyer are all to be found there. He essays to honour Bacon by a double sympathy as a lawyer and as a literary lover. Yet he concludes his labours with a deprecation of his own severity. He was more than kind—he was merciful and partial ; but even he must rise from his judicial chair more in sorrow than in anger, and confess, while he sentences the greatest wit saving one of this English people, that Francis Bacon played a mean and ignominious part in this world's history, was assigned noble gifts, a lofty station, a sacred duty, yet prostituted his genius, degraded his office, polluted his sacred robes, and basely surrendered his honour for lucre. But the Editor of the 'Athenæum' is much wiser in his day and generation than these. He will prove Bacon to have been the most honest man in the world. As good as great. An angel of purity whom there was a general conspiracy

to defame. He will prove Macaulay a mere charlatan, an impostor, who assigned an impossible character to Francis Verulam to gratify his own malice, and that poor Lord Campbell is an incapable and well-nigh imbecile personage, as ignorant of history as of law.

Can it be denied that the task was a bold and noble one? and is it not vastly to be regretted that it has not succeeded?

But if its conception was bold, its execution has been much bolder. One may search up and down through all history for a parallel to Mr. Dixon's book. The aptitude of its wisdom is perfectly amazing. Whenever the author requires a fact, straightway that fact, as if by magic, appears. If he would prove that a particular plot was Popish or Protestant, that a particular act was done six or nine or twelve months before or after its actual occurrence, the facts are obedient to the author's will. They are no doubt subservient, knowing the author's power. The wand of a great magician is known to the spirits that he conjures up. The great critic holds the lamp of Aladdin in his hands, and truths at once, obedient to command, marshal themselves in order, to his wish. His power is unlimited. If he would prove that Richard the Third built New London Bridge, or that the Duke of Wellington fought at Prestonpans, the feat would be accomplished: the simple recipe always at hand would equally apply. And it is to be sincerely regretted that the nation has not already secured the services of so vast a genius for an entirely new and National History of England. The result would be as undeniably original, as instructive.

Mr. Dixon sets forth on his task by announcing that

his life is from new and hitherto "unpublished papers;" and this discovery of "new facts" and unpublished papers is the only part of his scheme that can be said not to be original. A friend of his, Mr. Payne Collier, some years ago published a pamphlet containing "new facts" about Shakspeare just preliminary to a new edition being published of that Poet. The discovery stimulated curiosity, and impelled an enthusiastic and discerning public into purchase. Another edition was required, and "further particulars" issued from the press. This coincidence was repeated. A life of the Poet, or an edition of his works, being always preceded by "new facts" from "unpublished papers." Unluckily it was discovered recently, that nearly all these "new facts" were forged. It was requisite to defend their authenticity. Mr. Dixon was called in. The friend who will not sacrifice himself for another is surely unworthy the name. Mr. Collier, the discoverer of the new facts, wanted some one to aver, from personal examination, that a particular letter had not been fraudulently misprinted. The Editor of the 'Athenæum' was prepared for the task, and successfully accomplished it. In the 'Athenæum' of Feb. 25, 1860, will be seen how, having examined the letter in question,* he declares it was honestly printed, when at the same time he knew well that it had been most scandalously perverted, but this has nothing to do with Bacon, except this :—

* Mr. Dixon says : " We have been to Dulwich, and have seen Mrs. Alleyn's letter. . . *The Fragments which remain are incapable of yielding any decisive proof either way.*" How absolutely false this statement was, may be proved by the most cursory examination of the lithograph facsimiles since made.

AN IGNORANT EDITOR.

A new life of Bacon was needed, something different from anything that had appeared—something that would sell. The public taste must be stimulated. A new view of Richard the Third, of Judas, had been already produced: a new life from “unpublished papers” of Bacon had not. Nothing was simpler. Mr. Payne Collier’s process of producing facts would supply everything that was desired. Sufficient temerity only was needed. That was promptly at hand. General ignorance of the subject would do much—an Editor’s power much more. It is true some trifling and elementary knowledge of law was required for the task, and this the editor of the ‘Athenæum’ had not. He was evidently unhappily ignorant, of even the most rudimentary facts in constitutional history. His ‘Personal History of Lord Bacon,’ discloses that he only vaguely understood the phrase “Constitution,” and had hardly heard of the Petition of Right; that he was distinctly ignorant of the meaning of the word Benevolence, as applied to a tax without consent; that he had never heard of the writ “De Comburendo”—this was of no moment. The old life is a mere drug; literature is in the condition which Lord Bacon himself happily described as the Vermiculate, and breeds maggots; the reviewers in great part were sure, and for the rest, ignorance in the public, but still further ignorance in the author would suffice.

It is hardly necessary to say that the distinction between familiar and non-familiar knowledge offers a wide scope of action to an adventurous mind. As a rule, an alteration of ten years in the date of one of Hannibal’s battles would pass unnoticed; but in the date of the

battle of Waterloo it would not. Yet for a man to write a life of Hannibal, and make such a blunder, would be as inexcusable in the one case as the other. If a man were to declare Bartholomew Legate, the Arian, the friend of Lord Southampton, it would not subject him to immediate exposure. Yet if he were to aver that Thurtell was the bosom friend of Lord John Russell he would expose himself to instant detection. Mr. Dixon, in dealing with the Elizabethan age, was therefore to some extent safe from scrutiny or exposure, if the reviewers were avcrse. He unhesitatingly availed himself of every licence permitted to his position. He has not, indeed, performed the precise feat indicated, but he has accomplished some quite as marvellous and equally impossible, and an entirely new view of Lord Bacon's character is the result.

A new life of a great man who has been dead more than two hundred years, in opposition to all previous evidence, and that universal consent which is accepted as the law of tradition and of custom, presupposes special requisites of knowledge or research in its author. Undeniably no nobler task falls to the lot of humanity than that of dispelling the mists of obscurity which hide a good man's fame from the wonder and love of his fellows. This is the sun's task. No nobler aspiration can be the infirmity of any mind than that which seeks to clear away from the tomb of a public benefactor or of some mighty genius the accumulation of years, which neglect, or ignorance, or malice have heaped about. Lord Macaulay has said, "That there is scarcely any delusion which has a better claim to be indulgently treated than that under the influence of which a man ascribes every moral

excellence to those who have left imperishable monuments of their genius." But it may be even further declared, that to make a great man's deeds shine as a light before men, to prove their wisdom, vindicate their intention, apply and utilize them, and alike free the labours and the labourer from aspersion, is a task worthy of any man, sufficient to consecrate any effort.

If Mr. Dixon had attempted such a task, no matter how imperfectly, he should have commanded respect ; had he been but content with drawing attention to Bacon's great gifts and noble benefactions to posterity, and to excuse some of his derelictions from duty, he should have been honoured. But to pursue reputable modes of establishing a conviction, and to attempt base and dishonourable slanders of the dead for the mere purposes of novelty, for the mere result of trade, is worthy the severest condemnation. The evidence seems certainly to suggest that this has been Mr. Dixon's only aim. Before arriving at such a conclusion, it will be necessary, however, to make inquiry.

The most superficial observer of man, the shallowest scrutiniser of his mental causation, knows "how wonderful a thing he is," and how impossible it is to estimate or predict the origin of his acts, or to reach the seat of the emotions or the passions of this paragon of animals. The rule of character is a rule *sui generis*. The shallowest mind is inscrutable to the keenest observer : how much more is the profoundest mind inscrutable to the shallowest blunderer ! The most wonderful, the noblest study of mankind is man ; but therefore it is also the most perplexing, mysterious, and difficult. Should it ever be

proved beyond question that the noblest author of all time, William Shakspeare, was unworthy our love, it would hurt us to the quick to believe it ; it would seem impossible ; the evidence would need to bear sifting : but if it were indisputable it must be accepted, and man could only “ wonder and admire.”

Now the evidence concerning Lord Bacon's acts is simply indisputable—it is absolute. Classified by that science which the acutest legal minds of all ages have recognized and established as the law of evidence, tested by its severest axioms, it is upon evidence of the highest class, evidence absolutely beyond question, that his character has been determined. Mr. Dixon was therefore peculiarly unfortunate in selecting an author on whom to practise. It is true Mr. Collier had exhausted Shakspeare for the time ; but an artificial life of the great poet could have passed uncontradicted. There remains no evidence for or against his private character, except that of his labours, and these are in his case incomprehensible. Of Bacon, on the contrary, letters exist in his own hand which prove his villany—which prove that he blackened innocent men behind their backs ; that he disparaged his rivals to the king ; that he meditated an entire scheme of overthrowing the legal system of his country by making the judges the mere tools of a despotic ruler and of a licentious and profligate court ; that he took bribes ; that he acknowledged his guilt ; that he systematically traduced his friends ; that he helped his earliest, noblest, and best friend Essex to the scaffold ; that his was the hand that brought down the axe upon Raleigh ; that he was in every moral sense a scoundrel

and a coward, but that intellectually he was a marvel greater than we knew him. That being left all but penniless, hated and envied by his relatives, disliked by the Queen, by his own sheer wit and talents he lifted himself above penury, above unmerited obscurity, and fought his way, inch by inch, every point disputed, to the Lord Chancellorship and the Peerage. Like the builder of the sea tower, many times the flood broke in and washed away his labours as they seemed to grow perfect in his eyes. Like the spider, he still toiled and spun, though his web was often broken. So he rose. Is there nothing to wonder at and speculate on in the life of such a man?

But a merely systematic perversion of history, the production of some few absolutely worthless papers, because they are "unpublished," combined with an entire ignorance of every legitimate source of evidence, or, at any rate, with a complete suppression of every authentic fact, is not likely to help us to a satisfactory conclusion, or to a radiant solution of the wonderful problem offered by the mighty mind of Francis Bacon.

Lord Bacon's attitude in the eye of history is Majestic. It lacks none of the grandeur nor of the irregularity of nature. A mountain, his sides clothed with verdure, his head is above the clouds, capped by eternal snows. On one side there is a gentle ascent, on the other a sheer fall of blank destruction.

Mild, generous, and humane in private life, he becomes cruel, covetous, unfeeling, when ambition steps in. He does not delight in cruelty, but he has no compunction in becoming cruel. Men are but puppets. If they are in

his path they must be swept away, the calamity is theirs.

His image is that of an antique statue, colossal as to the upper limbs, below withered and shrunken. The head is Apollo's, the feet are Pan's. But all history, all mythology points to the same union of extremes, of opposites, of splendid virtues and degrading vices. That head of alluring beauty, of fatal fascination, whose womb is filthy and obscene, represents but figuratively the union of opposites in this material world. A little, a very little, philosophy will explain the enigma so far as this. Lord Bacon's vices and his virtues sprung from the same sources. They were both begotten, like Minerva, of brains. Of him it was beyond all measure true, that he had only as good a heart as could be made out of brains. He was a man of daring ambition, of presumption, that can only be explained by his imaginative idiosyncrasy. He was without moral principle. He was destitute of physical (as distinguished from intellectual) courage. He was supremely cautious. He preferred in all things the secret to the open course. His writings, his philosophy, his life, prove this. His acts, his philosophy, and even his very style of composition are of the same character. They were part of himself. His philosophy is his *vera effigies*. It is imperfect, audacious, and practical, alternately creeping and flying, patient and aspiring, equally condescending to the minutest, and even, as it seems, degrading trifles, and soaring to the loftiest heights. Judged by the universal it was fragmentary, so was he.

Even nature cannot combine impossible perfections. Those who would make Francis Bacon perfect, must first

perfect his philosophy too. The task is simply ridiculous. Truth, history, consistency, alike resist the monstrous innovation. But were his vices even greater, that is, more sanguinary than they were, the arch of his intellect could still sustain them. His benefactions to philosophy, to use one of his own images, would still float them down the stream of time. But as he was, he must now remain—as great in thought as pitiful in act. The details of his career are as definitely detailed as Domesday Book. His life is far above the impeachment of friends, or the malice of foes. Allowing every weight to the manners of the age, to the servile adulation and euphuistic respect assumed to persons in power, his letters to his king and to the king's favourite, Villiers, are still the most abject in all literature—unequalled for meanness, servility, and perfidy. Still judging him by these, contrasting these with his philosophy, it is in one sense neither strange nor wonderful that they were so. His emotions were all subject to his reason. As Coleridge has remarked on another point, his intellect did not come forward to justify his emotions, as they would in a well-ordered mind, but his intellect acted and his heart never beat.

If all men and women had been mere abstractions, his pursuit of power, and the means he sought to gain it, would have been the most accurately adjusted that could have been devised. Every arrow he shot struck the butt. Even when, like Acestes, he shot skyward, his shaft was numbered among the constellations. The temper which could without warp give to every fact in an investigation its due weight and significance, which could penetrate with unerring insight into every weakness, either of logic

or analogy, was a temper to philosophise and not to feel in human affairs. He had no enthusiasm. His love of the ideal tinged his philosophy, but it never mastered it. It graced his labours, but gave them no bias. His letters have no friendly warmth. Where are his fond epistles, lit by that lambent fancy, chastened by that mild and sometimes joyous temper, refined by that glowing yet delicate imagination, to the partner of his wedded life? Where those eloquent appeals for man in bondage, for humanity in misery or in distress, for poverty, for enslaved man, that his noble eloquence could have penned? Where is there any mourn made for his childless hearth, or pictures drawn such as childless men too often sigh upon, of prattling children clustering about a mother's knee? Where his references to the lovely age of joyous infancy? Alas! there are none. He was an all but friendless, childless, wifeless man.

Like Pompey, he had but one faithful freedman. He was married, but there is not one letter to his wife, or, as far as I know, one reference to her in his writings, of a pleasing or affectionate kind. Woman, the sex for him might never have existed. He pens no sonnet or hymn in her praise, yet he loved beauty in nature beyond almost any man of his time. Man delighted him not, nor woman either. With Hamlet's intellect he had Hamlet's vein. Over a memory he might have grieved, over the abstraction dwelt lingeringly; for the possession he cared nothing. Nature was all in all; and that "glorious overhanging canopy fretted with golden fire," was to him an unspeakable wonder for ever.

For this reason he had no zealous aspirations after

liberty. For this reason he dared no perilous flight of indignation for men oppressed, nay, what cared He, if they were fettered? In the heights of his philosophic mind there is much calm and ever-enduring snow.

Amid all his MSS. and all the voluminous correspondence, referring to the two brothers Anthony and Francis, not one little letter exists penned by his heart. He was ambitious of posthumous distinction, wished, because the great men of antiquity had their letters preserved, that his should be consecrated to fame too and published.* He handed them over to his literary executor. Yet among them all there is not one to his love. Is not this singular? Is it not noticeable? Only one or two playful, half-genial notes to speak to his quasi friendship, these are to inferiors; for Bacon could be generous and beneficent better than affectionate or sincere. What of that? it is neither our place nor province to condemn. It is mere idleness to wonder. If there is a problem to solve, it lies in the inscrutable and unfathomable wisdom of the Creator, as manifested in one of his mightiest works; and Mr. Hepworth Dixon, by simply "bearing false witness," by confounding right and wrong, by falsifying dates, by inventing facts, will help us to no solution of the mystery—not even though twenty hirelings be found to swear the book wonderful; the mirror of truth; the oracle of the time. If truth cannot solve the difficulty, and labour and reverence, presumption and ignorance and falsehood certainly never will. Of that let every honest man be assured.

The world is usually so little credulous of disinterested

* Hacket's 'Life of Williams.'

motives, that it will perhaps be assumed that I have some instinct beyond a mere love of truth in attacking Mr. Dixon's history—that I have been slighted, injured, or in some manner offended by him. To clear the ground away, I may simply say that we are mutually ignorant of each other. Not to know the editor of the 'Athenæum' is to argue myself unknown, which is precisely my case. I am unknown, and have not even the advantage of knowing so distinguished a man. Unknown I should have remained in this matter, but that I feel so deeply the injury attempted against the memory of several Elizabethan heroes, the baselessness, as well as the infamous character of the scandals imputed to the men and women of Bacon's day, that I felt constrained to appear in print. For Essex's genius, for Essex's beneficence, for Essex's nobility of heart, I have always maintained the highest reverence. I know something of his motives, his career, his sufferings and death—worthy, as I hope, his honour and reputation. Suddenly I find him converted from the Bayard of my early days into one of the most selfish and inhuman monsters that have defaced the page of history.

Because he has been dead more than two hundred years, are scurrilous slanders on his memory to pass current as truth?

I had long looked on Peacham, the poor clergyman inhumanly racked by Bacon, as an innocent, suffering man. Innocent he must have been, or wherefore was he racked? He was, in Chamberlain's language, only "stretched" to make him condemn himself, because there was no evidence against him, because he was innocent. Suddenly I find that he is one of the most horrible villains

that the mind of man can conceive—a traitor doubly dyed, a perjurer, a suborner, “a treacherous, kindless, soulless villain.” Similarly I had always regarded the Essex Plot as a mad escapade of a young nobleman driven half out of his wits with despair by the severity of the Queen. His disgrace at court, his exile from office, and his ill health, combining with the machinations of his enemies to work his ruin. Suddenly Mr. Dixon is prepared to assure me that Essex was a Catholic; that he was led by Blount; that the plot was Papist; that Blount was in London “filling Essex House with the worst of his popish gangs,” when I knew him to be in the country; when history clearly shows that he could not have been present—and actually has told us how many Catholics were in the scheme, leaving us to infer how large a proportion were, like Mr. Grimaldi, “of no religion at all.” But it has not been this noble author’s mission to write according to history. With only industry and a love of truth, any one could write thus. The genius of grand writing—and Mr. Dixon has to be sure a “wonderfully fine style”—is to be shown in declaring something altogether superior to facts—more splendid and marvellous. No one, perchance, will read what is only old and true. But when ’tis both new and astounding, who can help being enchanted?

For three or four generations, the most accomplished lawyers, the wisest judges, the ablest jurisconsults have maintained the profoundest admiration for the genius of Coke. Sir Edward Coke is perchance best known to the public as an author in conjunction with Littleton. People have heard of ‘Coke upon Littleton,’ who have

heard of nothing else. But what Coke was upon Littleton, or how he came to discourse or comment upon Littleton at all, or who Littleton was, or how the names came into connexion, few persons have stayed to inquire.

Now Coke was a great, a transcendant lawyer, and that will perhaps at first sight appear no recommendation. But this was only part of his merit; though to be a great lawyer—a lawyer in the true sense—is very lofty praise. But Coke was more than this: he was such a lawyer as perchance only appears once in a thousand years. He was no such orderly jurisconsult as Ulpian or as Gaius. He was no such accurate reasoner or profound logician as Montesquieu. He was not so analytic or scrutinizing as Bentham. He was not an orator, statesman, lawyer, and wit, like Mansfield. Yet Coke's mind was of such an order, as not merely to command the respect and admiration of his contemporaries, but of an authority, to make his word Law. Doubtless it will exist as law while the English language remains. Yet the spirit which dictated Coke's labours was nobler than those works themselves. This is easily explicable. His gloss on *Magna Charta* neither displays great wit, intellect, nor erudition, yet intrinsically it is a nobler work than the '*Novum Organum*.' Intellectually, it is a wretched performance, crabbed in style, meagre in thought. Yet its declaration for the liberty and independence of man breathes from the noblest source of human inspiration.

If Englishmen are free to-day, it is because Coke made them so. Coke was an irascible and an avaricious man. In one sense he was narrow-minded. He was a

pedant. History discloses few loveable traits in his character. But Coke was the guardian of the common law. He stood in the breach between an oppressed people and an oppressing king. His defence against the king's might—the law. His motto, “*Lex tutissimus cassis*”—“The law is my surest defence.”*

He had neither the parts, the grace of manner, the eloquence, the witching courtesy, the pliant temper of his great rival Francis Bacon. But he was a just judge. He loved the king (or his gifts); he loved his own money; but he loved the law, justice, truth, and liberty much more. Lord Macaulay had, as a scholar, but little sympathy with the “crabbed lawyer,” and incidentally has spoken slightly of him as “a bigot and a pedant.” He had perhaps never taken the trouble to inquire into the obligations of posterity to Coke’s law. But inasmuch as Macaulay spoke harshly, Mr. Dixon, a much greater than he, has taken upon himself to exceed so humble an original; and from his pages the Great Chief Justice issues a compound of hobgoblin and pantaloons, very bloody to be sure, but very comical withal. Mr. Dixon can afford to despise Coke, to laugh at him, for he has barely heard of his labours. The ‘Personal History of Lord Bacon’ proves that he cannot have read the Reports, or their declarations in the cause of liberty.

Coke was the founder of what is now known as Constitutional Law. He furnished the corner-stone of the Petition of Right. He was the prime creator of the writ of habeas corpus, as it exists to us—the palladium of modern liberty, as it is called in parish vestries.

* Literally, “the law is the best helmet.”

Out of Coke came the law of the long parliament. Out of Bracton, the 29th of Magna Charta, and the 25th Ed. 3rd,* Coke furbished up a weapon which, better than the sword of St. Denis, was to do its work; with which he could face the king—with which he could defy all tyranny. He did not make the weapon it is true, but he proved its use. That decree which is dead to the world, is dead to itself. He breathed life into it. He showed its potency against the king. While all the courtiers of his day, with bated breath and whispered humbleness said they would do as the king commanded, he alone said, "I will do all that doth become a judge." Neither wisdom, nor courage, nor statesmanship, could have availed in the crisis in which he was placed against kingly prerogative. No new law would have served. What was wanted was proof of antique precedent, of a long-established right. Coke showed the right. His authority then, of all men living, was the only one that could establish it. But he would do more than this—he would defend it to the uttermost. Well as he loved his gold, his place, his fame, he would risk all, imprisonment and the Star Chamber, but he would have law. Coke was bigoted, and narrow-minded, and obstinate; and if he had not been bigoted, and narrow-minded, and obstinate, the 29th chapter of Magna Charta had still been a dead letter. He will have nothing but the *ipsissima verba*. He will fight to the judgment on the strictest letter, as only a "pedant and bigot" could. If he had not been in the one sense narrow-minded, he could not have been so builded up in the common law, would have had more

* St. 5, c. 4.

Catholic tendencies and leanings, and so have been useless for his mission. Being so builded up, tenacious, obstinate, he made the common law of England a defence against princes. Had he loved the law less, he had loved the king more. But the law was his mistress. If the king will imprison his subjects without trial, tax them without consent, will unscrupulously clap every litigious, bold, obnoxious, or argumentative Politician, into prison, or send him to the Bermudas, Coke will have the law on him. For is not the law above the king?

Coke will, from his place in parliament, as the oracle of law, with puritanic precision show, that from all time the English law has been ample enough to clothe the freeman with liberty. He invests every Englishman with a cloak of invulnerability. He puts in his hand a sword of defence. He declares that the spirit of justice has said, in words of law, Let no free man be disseised of his tenure; let no man be denied justice; let no man be imprisoned except by due process of law and trial by his equals. Let this be made a fact. Let a writ be issued as of right at all times on necessity, to free the subject. The principles he advanced we claim as inherent rights. We accept them as we do the air we breathe, the water we drink, giving no man thanks, or Heaven either. But because we are ungrateful, it is not incumbent that we should permit even a great critic, being ignorant, to be defamatory too.

There is not, there never was, any necessity to defame Coke that Bacon should appear brighter than before. This is only clumsy craft. Some stains lie justly upon his fame. I have no wish to remove them; they are

better where they are. But I protest against calumny. In the same purely gratuitous spirit of zeal that Mr. Dixon falsified the Alleyn letter, he is now prepared to falsify Coke's life—to utter any number of counterfeit tales. Like the Nicholas Nickleby Othello he will "conscientiously blacken himself all over." The question happily is not one of fiction but of fact. No re-edifying of the ancients, no invention, can fortunately crush the evidence which exists. It cannot even be tampered with. If it could, the cost of removing the dirt and obloquy from the grave of one man to heap it up elsewhere, and so hide brave deeds, the memory of which posterity will not willingly let die, might be deemed excessive.

I will not pause here, even hurriedly to recount some of the Great Chief Justice's services to the state. Of his noble defence of freedom. Of his bold opposition to the king. Protesting against the slanders now invented against him, and fifty others against innocent persons equally baseless, equally base, I will proceed to comment on some few passages of Mr. Dixon's wonderful book, and show, how scandalously the author has in some instances dared to pervert history, and to breed "new facts" and "further particulars" from "papers never before published." At the same time I have no desire to take any reader by the button, like the Ancient Mariner, and tell him a story which he may be unwilling to hear, so will place the evidence in another supplementary chapter.

CHAPTER VII.

THOSE admirable reviewers who have sounded all the depths and shoals of adulation, to do scant justice to Mr. Dixon's book, have still omitted (and it must be a source of extreme grief and mortification to them) to praise him for many of his unique merits. They have chosen to dwell on those minute qualities which he possesses, in common with some other great men, instead of pointing out those excellencies which he is singular in exhibiting, and which no other writer has ever manifested in a similar degree. This is surely a culpable carelessness. As an imaginative historian, as combining the delicious unreality of the romance with the form of history, Mr. Dixon never has been, and probably never will be equalled. Again, in those by-ways of history which so few eminent historians care to explore, the scandals of contemporary libellers, he is so much at home. But his skill in weaving narrative, in creating lofty passages of declamation, on a fact, that fact being erroneous, must give place in the honour which it inspires, to his skill in creation.

In the year 1848, Mr. G. Lillie Craik—the name is well and honourably known in literature—produced a book

called 'The Romance of History.' It purported to give an insight into the domestic life and annals of some of the most distinguished men and families of the Elizabethan period. In its preface it set out by declaring that it did not profess great accuracy. Its title, 'Romance of History,' forbade any too rigorous criticism. Among its illustrations of 'Romance' it furnished lives of Letitia (Lettice) Knollys, the mother of Robert Devereux, second Earl of Essex, and her third husband, Christopher Blount. As might be supposed, it deals in an imaginative vein with the chronicles; but by some means or other dwarfs or impoverishes the greater number of the characters it touches on, not intentionally, perhaps, but rather inevitably.

The young Earl of Essex is spoken of as the "Flashy Earl," or in some equivalent manner. This species of treatment of a poet, orator, statesman, and general, is hardly calculated to inspire our respect toward the hero indicated. Blount, on the strength of his having been the agent of selling his wife's jewels, is concluded to have sold them for himself; why, is not at all clear. It is proved that the second husband left her very much in debt, rich in jewels and land, but miserably poor in purse, and the natural conclusion was that he sold these jewels, by his wife's consent, for their mutual necessities. All the Countess's correspondence with her son, Essex, all her incidental allusions to her husband, show the greatest love and affection. The son's behaviour to his father-in-law proves as fully, that no very considerable breach could have existed between Blount and his wife. From Mr. Craik's hands Blount appears a not very virtuous soldier of fortune, possibly a spy, and a profligate spend-

thrift. Mr. Craik gives his authorities for such a presumption, and it is only fair to say that they bear no adequate construction, but, to some extent, induce suppositions the very reverse. He is presumed a spy on the evidence of certain letters of Thomas Morgan, in which Blount is pointed out as likely to give information to Mary, Queen of Scots. Blount unfortunately was a Catholic. So, for the matter of that, was Sir Philip Sidney. This appears to be the head and front of his offending. It was natural that he should sympathize with Mary. It was natural he should desire to aid her cause. Yet for what reason cannot be discovered, Mr. Craik thinks he betrayed her cause to the Cecils. This is the imaginative supposition on which he is presumed to be a Spy.*

This is sufficient for Mr. Dixon, who, in his anxiety to conscientiously blacken every contemporary of Bacon, and especially every relative of Essex's, vastly improves on Mr. Craik's narrative, and inventing as he proceeds, rears up a delightful superstructure of scandal. The ingenuity in the choice of an authority is hardly surpassed by the treatment of that authority. For historical purposes, Mr. Craik's narrative is certainly superior to 'Monte Christo,' or the 'Three Musketeers,' or even the 'Arabian Nights;' but Mr. Craik had little idea how skilfully his material would be used, and the burden of proof shifted on to his shoulders. Here is the

* In Murdin's letters and despatches of Lord Burleigh, there are several letters of Morgan's, referring to Blount, in all of which he is spoken of in the highest terms. Morgan was a faithful servant and an honest man. Blount was undoubtedly a zealous partisan of Mary, Queen of Scots, but this is hardly a crime. (See Wood's 'Athenæ Oxoniensis.')

passage as it appears in Mr. Hepworth Dixon's pages :—

“ The third husband of Lady Leicester is her match in licentiousness, more than her match in crime. By profession a bravo and a spy, Blount is incapable either of feeling for his wretched wife the manly love of Essex, or of treating her with the lordly courtesy of Leicester. Brutal and rapacious, he has married her, not for her bright eyes, now dim with rheum and vice, but for her jewels, her connections, and her lands. He cringed to Leicester, that he might sell the secrets of his cabinet and enjoy the pleasures of his bed. With the same blank conscience, he wrings from the widow her ornaments and goods. Chain, armlet, necklace, money, land, timber, everything that is hers, wastes from his prodigal palm. He beats her servants ; he thrusts his kinsfolk upon her ; he snatches the pearl from her neck, the bond from her strong box. A villain so black would have driven a novelist or playwright mad. Iago—Overreach—Barabas,—all the vile creatures of poetic imagination—are to him angels of light. What would have been any other man's worst vice, is Blount's sole virtue, a ruthless and unreasoning constancy to his creed. Fear and shame are to him the idlest of idle words ; and, just as he would follow the commands of his general, he obeys the dictation of his priest. As a libertine and as a spy, his days have been spent in dodging the assassin or in cheating the rope. Waite was sent by Leicester to kill the villain who had defiled his bed ; Blount repaid the courtesy by prompting or conniving at Leicester's death. Taught by Cardinal Allen, deep in the Jesuits' plots, he has more than once put his

neck so near the block that a world which neither loves nor understands him hugs itself in a belief that he must have bought his safety from arrest and condemnation by selling to Walsingham or Cecil the blood of better and braver men."

This is not a flattering portrait, and it is perhaps well for Mr. Dixon, that when the brains are out, a man does die. If now they rose again "with twenty mortal murders on their crowns," he might fare badly at the hands of poor Blount. Although we must give our highest admiration to a genius which could so entirely fabricate a story, and then place the responsibility on another, it is scarcely fair to a dead man's memory or his living representatives, that the matter should be left thus. Mr. Craik is given as its authority. On referring to Mr. Craik, however, not one tithe of it appears there. "The cringing to Leicester," "the marriage for money," "the eyes dimmed with rheum," "the pearl snatching," "the dodging the assassin," and "the cheating the rope," are all parts of Mr. Dixon's imaginative history. I will merely say, in reply to it, that there is not a word nor a syllable of truth in the whole.

Blount was a gentleman and a soldier, a noble and a valiant knight. The story about Waite is a grossly improbable fiction, as improbable as a hundred thousand other fictions of the age. It is refuted by Leicester's own will made long after, in which, in terms of the fondest endearment, of the most loving affection, he leaves the chief bulk of his property to his wife, which is hardly probable if he had suspected Blount of being improperly in her confidence. After he had become the husband of

the widowed countess, her references to him are full of affection. But there is not one tittle of evidence worthy the name to impeach Blount's character at all. On the other hand, the concurrent testimony of witnesses as to his death, proves him to have been a valiant, noble soldier, of whom nothing in life became him better than his manner of leaving it. His behaviour on his trial, his wife's correspondence, the reference in Morgan's letters, completely substantiate this view of his character. He was not a Papist. He was certainly not a bravo. He was as certainly not a spy. I have yet to learn that to be born a Catholic is a stigma. The delicious spicing of the dainty dish, "the eyes filled with rheum" (the lady was between forty and fifty years of age when she married), the cuffing, pawning, defiling her husband's bed, are Mr. Dixon's own, and it is most ungenerous that his admirers should withhold from him the praise of it.

But this is scarcely all. He is, in addition, stigmatized as "a Murderer by profession and a bravo," with whom his wife had "wallowed in licentious love" during her preceding husband's life, "a wretch without grace, accomplishments, or parts." Apropos to what, does the reader conceive? This, and this only. He married Essex's mother. Essex was betrayed by Bacon. To prove Bacon right, it is necessary to prove Essex wrong. The more conscientiously to blacken Robert Devereux, it is necessary to defame his mother. The better to pollute his mother's memory, make infamous the husband. It is fortunate that the historian did not extend his zeal further—to the parish clerks and beadle of the same parish. That the Editor of the 'Athenæum' may achieve fame, new

history has to be produced. If he will go through so much—to attain so small an end, what might he accomplish if his ends were commensurate?

Of the merit of this species of historic composition no doubt can exist. Macaulay was but a poor and barren scholar in the art—a cold aspirant for such honour. On a scale of adequate dimensions, with a few facts at its disposal, what might such genius achieve, when it can attain such results without any facts at all?

Though very willing to do further justice to the Editor of the 'Athenæum,' after what may perhaps appear my disparaging remarks in a preceding chapter, and thus handsomely finish what his admirers have done so ill, I purpose, as it would be obviously unfair to pass in review a work which is of the same uniform consistency throughout, to point merely to one or two similar instances of accuracy and candour. But before doing this, I wish to declare that I have no desire, while intending justice to Mr. Dixon's genius, to lose sight of his smaller ability. Thus, for instance, in the very letter from which the construction is drawn, the mere inference, which is not obvious to other eyes, that Blount is a spy, there is direct testimony to his character, which is this: "He (Blount) is a tall gentleman and a valiant, and hath been well brought up by his careful and devout parents, which be good Catholics; and this Blount is of an ancient house, and his father, who was kin to Leicester, honoured him and his father much of a long time, but was by him, Leicester, most ungratefully requited in the end." And again, referring to Blount's mother, the same correspondent, Morgan, speaks of her as "a most notable, honest

gentlewoman." Here we have direct evidence as to virtue, indirect evidence as to vice. To reject the direct and substantial evidence, and convert the indirect into substantial proof, imparting to what is worthless value, has always been held a minor attribute of genius, and this must in several instances be claimed by Mr. Dixon. Weldon deposes some facts that he has seen and some that he has heard as rumours. The things seen by the witness are rejected, the hearsay and report are unhesitatingly adopted—adopted in precisely the same spirit, that Mr. Craik's evidence of Blount is annexed, with marvellous additions.

Let us suppose this mode of treating history applied to men of the day, by losing sight of what is known, and by cleverly bringing forward what some one has written or printed, or has been heard in some vague manner. What charming and piquant histories might be written! Thus, it has been said that a certain cardinal of our day had three wives; that a certain great lord chancellor was a notorious drunkard; that a certain monarch had murdered his mistress: the names need not be given, lest some future Mr. Dixon should adopt them. It matters not, that no human being ever believed the wretched calumnies out of the debased circle which originated them. But here would be the narrative, of course allowing for the circumstance that no imitation could be made that would be just to Mr. Dixon's superb style.

"This great lord was a notorious drunkard. The Dutch masters, who revelled with all the grossness of filthy and licentious natures in the coarsest delineation of the vilest bestiality, could only feebly express the degradation of his habits, the paltry squalor of his nature. He

left his home daily, his children clamouring for food, his patient wife hungry and distressed, to seek that excitement in blue ruin which desires such as his could alone be satisfied with. Day after day his furniture was removed to gratify his selfish lust. His children, hungry and supperless, crept about his deserted hearth. All the necessaries of the household had been pawned for food. But the cursed demon of drink had begotten an enemy more potent than itself; and now he passes his hours in the most licentious profligacy, with the most sensual and abandoned occupants of those dens of infamy which defile the face of Europe. Honour and honesty become to him mere idle words. He degrades the Bench into a pot-house; he converts the Woolsack into a Pandemonium. He pollutes his office by cruelty. He is threatened by the victims of his tyranny. He is compelled to skulk from pillar to pillar as he reels to his drunken and degraded home. The world pursues him with a 'howl of execration,' policemen 'crash down' upon him, &c., &c."

This might be regarded as a fanciful portrait, but, all things considered, it does feeble justice to Mr. Dixon's powers, or to his accuracy of delineation.

We will now proceed to his treatment of the character of Mr. Oliver St. John. His case is simply this. James I. had an aversion to parliaments; he had a belief that he could tax his people by prerogative, and without the consent of the Lords and Commons. He issued a mandate, or writ, to levy sums of money in the form of "A Benevolence." In other words, he went begging of his subjects: but the begging was to be called by another name. The subject was to give under fear, and the gift was to be

called a free gift. Not a loan, nor an impost, nor a tax, but a benevolence. Nominally there was no threat attached to non-payment; but every defaulter was returned to the Privy Council, and of course remembered. It differed from begging with threats, only in this, the stout cudgel of the sturdy vagrant was half concealed instead of being wholly exposed.

Bacon was at this time,* James's adviser. Bacon was a man *suavibus modis*, and recommended this polite coercion. It was not a new device. It was of doubtful legality. Monarchs in feudal times had made such an appeal to their subjects; but as far back as the reign of Edward I. a law had been passed to put down this insidious beggary, and especially directed to these so-called voluntary gifts and free grants; the statute 25 Ed. I., cap. 6, running "that henceforth no such aid, tasks, free grants, or prizes" be taken or demanded but by consent of the realm and for the good thereof.

Later on, the grievance again raised its head, and the first Act of Richard III. cap. 2, was devoted to its extinguishment for ever. Henry VII. attempted again the illegal infraction, and in the tenth year of his reign a statute passed, which gave them a colourable legality, by giving powers for the collection. In spite of this, however, the law was deemed an infraction of the constitution, and had not been put in force by succeeding monarchs. Recourse was made to loans in preference. The King, as a bad paymaster, had now become unable to borrow, therefore Bacon suggested a Benevolence. A notice was issued that every person might give to the king who liked.

* 1614.

The authorities of each town were ordered to communicate with the men of substance in their neighbourhood ; and all the machinery of the state, directed by the King, was put in force to aid the enterprise. No man was compelled to give. He was simply disaffected and disloyal if he did not. This, at least, must be conceded. It is of course idle to call it a free gift ; there was no approach to spontaneity. Every man of means was directly appealed to. Refusal had before been followed by imprisonment, banishment, and fine.

Against this scandalous but insidious attempt to infringe the law, Mr. Oliver St. John, a gentleman of Marlborough, was bold enough to write. He was, like many gentlemen of his time, well grounded in law. He knew the Tax was illegal. He therefore sent, in the form of a letter, a Protest to the Mayor of Marlborough, couched in the most moderate terms, showing that the Impost was unlawful. The letter is printed in the State Trials, and will be seen to be of the most moderate and reasonable kind. He declared Benevolences to be against law. For this offence Bacon summoned him before the Star Chamber. The act was neither more nor less harsh than a hundred others of which he was guilty. As a violation of the law it has been considered somewhat indefensible in his legal career. Mr. Dixon—who shows clearly enough that he does not know what a Benevolence means, and had never heard of the word till he saw it used in this case, and is wholly perplexed by its really technical character—only knows that Lord Campbell has criticised Bacon in the affair. Mr. Dixon therefore proceeds to lecture our late lamented Chancellor on his ignorance :—

"Lord Campbell (who confounds * this Oliver St. John with the famous lord chief justice of the Commonwealth, now a boy of sixteen!) appears to regard St. John as an earlier Hampden. A closer reading of the time would show that he was one of those loud and lying politicians who are the disgrace of every cause. Instead of being the Hampden, Black Oliver was the O'Brien or the O'Connor of his time, though he had neither Smith O'Brien's abilities nor Fergus O'Connor's dash." Mr. Dixon proceeds to stigmatize him as the "Marlborough Bully," "as begging, fawning, groaning to be let out (of jail)," concluding: "Even those who make an idol of every one barred in the Tower turn from this pusillanimous and crouching prisoner in disgust."

Now after the example given in Blount's case, the reader will be prepared to understand that this is wholly, absolutely, and completely without foundation. That there is not even the slenderest fact as a basis for this complimentary portrait. That the whole is another proof of Mr. Dixon's transcendent imagination—of his glowing fervour when attacking the dead; and that it is another sprig of laurel to add to his poetic bays. Mr. Dixon's contempt for truth approaches the sublime: it is more than heroic. St. John is likened to O'Brien, wherefore? For aught that he has gleaned to the contrary from Lord Campbell's 'Lives,' he was the Washington of his time. Despite this attack, this solitary, well-written letter is the sole political offence of Mr. St. John. This is rather slender material on which to call a man an O'Brien, to pronounce

* This is an imaginary imputation. Lord Campbell does not in the remotest manner suggest such a conclusion.

"on his abilities or his dash." In prison, after having lain there many months, possibly moved by the entreaties of a wife and children, he writes a letter to the king, almost as abject as some of Bacon's epistles. For this one offence people are represented as turning from this "pusillanimous and crouching prisoner in disgust."

The "Great Critic" having shown how much he transcends Macaulay in style and accuracy, and Lord Campbell in law, I think his panegyrists will be grateful for the proof that he equally transcends Ainsworth or Dumas in imagination; and that literally no encomiums on its vastness would do it justice.

As an instance, to pass to his treatment of the great, the wise, the renowned Lord Coke, and withholding for the present such statements as are mere fabrications.

First, to point out Mr. Dixon's accuracy in the detail of facts, one passage will suffice. "Coke arms a dozen of his servants, rides down to Oatlands, runs a beam against Withipole's door, and smashing into his wife's retreat, without warrant of arrest, he seizes the fainting girl, tosses her into her coach, and hurries her away to Stoke, a Universal Howl pursuing the perpetrator of this offence."

Now an ordinary man's description of this affair would have been different; but apart from the fault that it so scandalously suggests, that a chief justice was himself the first to break the law—an unpardonable suggestion in so accurate an historian—I may remark, if a well-informed contemporary is to be believed, that there is not a word of this true.

Coke did not arm a dozen of his servants—why a dozen, why not thirteen?—did not ride down to Oatlands;

did not run a beam against Withipole's door; did not smash into his wife's retreat; did not proceed without warrant of arrest; and no Universal Howl pursued the perpetrator of the offence, that I can ascertain.

Coke's daughter was at Hampton. Armed with a Warrant from the Privy Council, signed by Winwood, several times referred to in Bacon's correspondence, he went to fetch her. In pursuit of his warrant he broke open, perchance, the door of the house in which she was secured; this was probably the extent of the facts.

So much for our historian's accuracy, which is certainly uniform. Now for his moderation and reverence in dealing with noble reputations.

Coke, as I have shown, was no ordinary benefactor of his race; no ordinary patriot. He had resisted every unconstitutional act of James, from the commencement of his avowed attack on the liberties of the subject. In 1608, Coke had struck at the power of the Court of High Commission, in direct opposition to the king. The ecclesiastical judges were the king's servants. They lent themselves to every infraction of law or liberty he might desire. Coke issued prohibitions to limit the bounds of their servility. The churchmen complained. The king called the two parties in the dispute before him. Bancroft insisted * that the Scripture settled supreme and absolute authority to make or rescind laws at pleasure in the king. Coke challenged the impudent and servile declaration. The king is thus attacked. He defends Bancroft. Coke quotes Bracton, "*Quod rex non debet esse sub homine, sed sub Deo et lege*"—"The king is not under man, but is still subject to God and the law." A

* 12 Rep. 50. 885.

moderate doctrine enough. The chancellor, Egerton, divided against Coke, and the judges of the exchequer went with him. Coke's puisne judges stand by him. The discussion had the necessary result—the court was reformed, and limited in jurisdiction. In 1610 he resisted the king's attempt to force arbitrary proclamations on his people as law. Two, hindering the manufacture of starch, and forbidding new buildings in and about London, with heavy penalties for infringement, were called in question by the people amid popular clamour. Coke was required to give his weighty opinion in favour of their legality. The court signified how they wished his ruling to be. Coke declined to give his opinion at once. He was not strong enough alone to stem the tide of king and venal courtiers. He asks to consult his judges, "that he might make an advised answer according to law and reason." The chief baron and another composed his council. They agreed with Coke that such proclamations were illegal. Coke carried his point, and contrived to divide the responsibility, which otherwise had been too great for him.

The judgment given was that the proclamations were neither according to common law, statute law, nor the law of custom; that the king had only such Prerogative as the Law allowed him. If the offence be not punishable in the Star Chamber, the mere proclamation of its illegality cannot make it so.* He opposes the King on "Commendams."† His legal life has been one long struggle for liberty. Mr. Dixon's reverence for his patriotism may

* 12 Rep. 74.

† Commendams. This may be termed a slang phrase used to designate a power arrogated by the king of permitting bishops and other patrons of ecclesiastical livings preferment to hold a plurality of benefices, or, as it was then termed, certain livings "in commendam."

be elucidated by a few of the epithets he has heaped upon him. He is spoken of as "a brutal and obsequious slave;" as "raving for gibbets and pillories;" as "having a thirst for blood which parched up his soul;" as "bent on hanging all those miserable wretches" confided to his justice as a judge; as "shrinking in shame from the sight of all this devilry (his wife's acts) to his den at Sergeant's Inn;" as being "a penurious old curmudgeon;" with twenty other allusions and phrases if possible more vituperative.

Admiration of Mr. Dixon's genius may tempt us aside for a moment from Justice; but even an Editor of a critical journal, a reformer of Macaulay, an instructor of Campbell, may be (however profane seems the thought)—in error. If such authorities are at liberty to so abuse dead men, let us consider what inferior writers may do—when they arise. Mr. Dixon is like the great toe of Menenius: he goes in advance, and for the same reasons. Let him then consider what will be the effect of his lofty example on the Historic mind. Lord Coke was a judge, was a chief justice, was a most honourable and upright man. Only one impeachment, on almost worthless evidence, lies against his otherwise unsullied fame. He was one of the noblest heroes who ever defended The Right against Might. He has descendants still living. Surely something is due in respect, if not in reverence; from sentiment, if not from knowledge.

For a great Patriot this imaginative character assigned to him is harsh. Let us pursue in imagination the sequence of this dereliction. If such mighty genius goes astray, what will poor, silly, illiterate people do? As an instance. The Duke of Wellington was not a greater man than Coke. With reverence for some persons' preju-

dices, he was vastly inferior morally; intellectually his superior. Yet he was a hero, to be loved, revered, and held in honour. What if some equally gifted inventor should some day declare him guilty of infamous intrigues, with thirsting for blood, with being the tool of a base faction, or heap any other equally scandalous imputation on his name and memory? The wit might be admired, but hardly the utility of the act; and yet Coke was a man even more to be revered than the Great Duke. All the story of Coke's intrigue with Villiers and Williams to overset Bacon is simply false. It has not a shadow of foundation. On the contrary: it is simply in opposition to all the evidence. It is as true as that William the Conqueror, after beating Julius Cæsar at Marston Moor, departed in the 'St. George' for Botany Bay. It is not a whit less outrageous. But here Mr. Dixon's genius again shines. No one ever thought of it before. Even Bacon, hard pressed as he was, dared not insinuate so much. It needed the genius of a modern editor to conceive it, and utter it when conceived. I could push the theme much further, but have no wish to nauseate my readers.

Mr. Lingard, following the example of fifty other writers, Protestant and Catholic, has alluded, as a possibility, to Essex's friendship with the virgin queen being more or less than platonic. Disagreeing with Mr. Lingard in most of his conclusions from the same premises, looking at everything from a different point of view, it is competent to declare that he has, considering his temptations, considering the unfairness to which the cause he represented has been exposed, sinned less grievously than many others on the score of partiality. This is no

great praise. But something more might be allowed. He has but rarely falsified evidence on any point, though he has made inexact deductions — deductions most opposed to truth. On the connection between Essex and Elizabeth he has said: "On the death of Leicester, he succeeded to the post of prime favourite; the Queen required his constant attendance at court, and her indulgence of his caprice cherished and strengthened his passions."* This is, as far as I know, the strongest defamatory passage on the connection between Essex and the Queen which can be adduced. If there is a stronger it can be urged. Of Elizabeth's behaviour to her other favourites he speaks more severely, but this is not to the point. On her affection for Essex, and on this passage, Mr. Dixon has this nobly-eloquent commentary: "That she ever loved him more than a lady of sixty years may love her cousin's grandchild† is a monstrous lie. No woman can believe it; no man but a monk could have dreamt it. Yet this lie against chastity and womanhood has been repeated from generation to generation for two hundred and sixty years. It oozed from the pen of Father Parsons. It darkens the page of Lingard. Like most of the scandals against her—her jealousy of the wives of Leicester, of Raleigh, of Essex even—it came from those wifeless monks, men of the confessional and the boudoir, who spent their nights in gloating with Sanchez through the material mysteries of love, and in warping the tenderness and faith of women into the filthy philosophy of their own *Disputationes de Sancta Matrimonii Sacramento*."

Unluckily for our new and imaginative historian, the

* Lingard, vol. vi., p. 539.

† He was her first cousin's own son.

jealousy of Elizabeth of Leicester's wife, and of Raleigh's, is altogether beyond dispute, and did not originate with Parsons, but is one of the best-authenticated facts in all history. But that may pass. After such an ebullition of virtue we may well suppose that our modern purist carefully avoids scandal. Yet, singular to say, there is not a woman dragged on his page who is not so begrimed, so befouled, so hideously bedaubed with mire, as to be unrecognizable. Mr. Dixon's text-book is Parsons' own libel. He draws all his lore from it. He attacks Lady Rich, one of Essex's two sisters. He insinuates the grossest slanders, on the supposition that she was the Stella of Sidney's verse. There are three answers to these: First, that it is not proved that she was Stella. Southey's opinion is to the contrary. In the next, there is nothing to show that the love between Astrophel and Stella ever passed the bounds of honour. Allowing for the Euphuistic phraseology of the day, it is really improbable that it ever did. And the fair construction of the verses written to her, points to the supposition that the attachment was purely a poetic one, beginning and ending in poetry. But even assuming, first, that Stella was Lady Rich, next that Lady Rich loved Sidney criminally—most improbable considerations—what reason is there to drag in such a proposition in a life of Bacon, and in such terms as these, much more fitted for a chronicle of the stews?

“Her children riot in the same vices. Essex himself, with his ring of favourites, is not more profligate than his sister, Lady Rich. In early youth Penelope Rich was the mistress of Sidney, whose stolen love for her is pictured in his most voluptuous verse. Sidney is Astrophel, Penelope Stella. Since Sidney's death she has lived

in shameless adultery with Lord Mountjoy, though her husband, Lord Rich, is still alive."

In Sidney's verse Stella walks a glorious vision, pure, ideal, chaste, "a thing of beauty, and a joy for ever." In Mr. Dixon's page she seems a hideous abomination. But Essex's second sister, Dorothy, was a pattern wife. She married very young Sir Thomas Perrot. He died. She then married the Duke of Northumberland. He was on all hands a half madman. His contemporaries called him Wizard. Before he had been six months wedded, if Anthony Bacon is to be believed, he was profligately deserting his wife for other and older favourites. He behaved with an undeviating and uniform cruelty towards her; and her return for all this wickedness was, as far as we know, a correct and most unimpeachable demeanour, and the purest requital, if not of affection, of self-sacrificing duty. Anthony Bacon did his best to injure her peace of mind by writing, while she was *enceinte* of her first child, and before she had been eight months wedded, an anonymous letter, telling her of her husband's profligacy. Not quite three months after he writes: "The Countess of Northumberland, always reputed a very honourable and virtuous lady, is brought to bed of a goodly boy, who, God grant, may resemble and inherit as well his mother's and his noble uncle's, her most worthy brother's virtues, as his father's ancient nobility." This was all the praise the panegyrist could bestow on him; yet Mr. Dixon says of this lady, whom he cannot more fully defame if he would, "Her sister Dorothy, after wedding one husband secretly, and against the canon, has now married Percy the wizard, Earl of Northumberland, with whom she lived the life of a dog. Save in the Suffolk branch of

the Howards, it would not be easy to find out of Italian story a group of women so detestable as the mother and sisters of the Earl."

This is another proof of the historian's genius. There is no calumny true against Lady Rich, except that she lived with her future husband, Lord Mountjoy, before she was married to him, her own husband being either imbecile or mad; her sister Dorothy being, for all that is known to the contrary, as pure and virtuous a woman as shines in history.

If Mr. Lingard deserves such reprehension for narrating what was founded on good evidence, what must be said of Mr. Dixon, who creates these slanders, and then tries to pass them on the public? For his attack on this patient and most resigned woman—this virtuous, good wife—this noble sister—this sad, sad victim of a revengeful, malicious, evil-disposed lord. That Northumberland was a bad man no lack of evidence exists. Through knowledge gained by his marital power over his wife he betrayed her brother to the Cecils, "working at first upon the love and kindness of a wife too true and good for him."* Some of the proofs of her sufferings in her letters still exist to us. They are wrung apparently from the heart of an injured and suffering woman. But Mr. Dixon is strongest in attacking the mother of these two ladies, Essex's mother, the thrice-wedded wife of Blount. Here we again trace the master-mind. Here the poet rises to the heights of his inspiration, and to the mighty theme:—

"As Lettice Knollys, as Countess of Essex, as Countess of Leicester, as wife of Sir Christopher Blount, this mother of the Earl has been a barb in Elizabeth's side for thirty

* Henry Howard's (afterwards Northampton's) Letter.

years. Married as a girl to a noble husband, she gave up his honour to a seducer, and there is reason to fear! (*sic*) she gave her consent to the taking of his life. While Devereux lived, she deceived the Queen by a scandalous amour, and after his death by a clandestine marriage, with the Earl of Leicester. While Dudley lived, she wallowed in licentious love with Christopher Blount, his groom of the horse. When her second husband expired in agonies at Cornbury, not a gallop from the place in which Amy Robsart died, she again mortified the queen by a secret union with her seducer Blount."

This again is harsh, but not so harsh as the same historian's character of Lady Compton; of course it is not true, perchance in no particular, perchance in some only; it is certainly narrated, so far as it is not purely imaginative, on very wretched testimony—the testimony of a professional libeller—of the very man whom Mr. Dixon has so eloquently denounced as one of those filthy monks.

But perhaps we have rather to thank Mr. Dixon for going no further; having manufactured so much, he might have done much more, for he is no sordid retailer; he may pride himself on being "in the wholesale line." The phrase is not elegant, but will perhaps be pardoned for its pertinency. The imagination which has done so much might have done more. But having a giant's strength he has forborne to use it. I may simply dispose of the case by stating that the incidents here stated, are utterly improbable and irreconcilable with the known facts.

Lord Dudley left his wife and her son the Earl of Essex, born many years before he knew her, the bulk of

his fortune; and that in terms of such affection, and faith, and love, as rarely find expression in a Will. As to her giving consent to the murder of her first husband, which Mr. Dixon fears (!); as to her wallowing in licentious love with Blount, one at least of these stories originated with one of those very wifeless monks; and yet, to use Mr. Dixon's own words, this "lie against chastity and womanhood, this monstrous lie," some one besides a monk can dream, can recoin, and furbish up, and enlarge, and brighten, and embellish, and so pass into circulation.

The best proof that she did not help to murder her first husband was that the second married her, and did not marry her for two years after. In fact, there is no sufficient ground to believe that her first husband was poisoned at all. The doctors did not think so. He fancied he was, as all men in an ignorant age did fancy they were. Sussex on his death-bed declared the same. It was charged against Dudley that he poisoned all his enemies in succession, and, in fact, everybody who thwarted him in his career. The deaths of Essex, Chatillon, Throgmorton, Sussex, as well as of Amy Robsart, his first wife, were all laid at his door. Lady Sheffield charged him with attempting to poison her; and of all the evidence her case is the best authenticated; and it was also rumoured that he attempted the life of his kinsman Blount, and of others. Now these suspicions may or may not have been justly founded.

Throgmorton's death was certainly sudden and suspicious. Lady Sheffield's testimony as to her symptoms seems clear, if the evidence as to her statement—for it came to us at second hand—is reliable; but the case is too long to go into here. But before accepting these or

any similar rumours of the age, we are not justified either in dispensing with or ignoring them, nor in accepting them without consideration. All testimony at first hand was of course as reliable in Elizabeth's day as in our own. But the testimony of hearsay, of rumour and report, was on a very different basis. Knowledge was less perfect; surgical science was obscure; the causes of disease rarely known, in all cases its seat was absurdly assigned. There were no Newspapers to give authentic and written details. What was reported was by oral communication. We know how by lapse of time and by imaginative rendering, verbal testimony becomes impaired. But even this was not all. Habits of thought were not as logically confined as they are even to-day. The age was credulous, fond of the marvellous, believed in witchcraft generally, was eminently imaginative. Surely all these circumstances should tempt us to weigh its evidence. Northumberland is found dead in the Tower. Straightway Hatton is reported to have had a hand in his death. If Perrot dies, it is still Hatton; yet Hatton has been dead some time before. So, whenever a crime was believed to have been committed, Leicester did it. If Walter Devereux died in Ireland, or Blount was wounded in a street brawl, or Lady Leicester (*née* Amy Robsart) is killed, Leicester has done it. It is possible he may have been guilty; yet it is certain that both in Walter Devereux's case and in Amy Robsart's, every precaution of investigation was taken that would be taken to-day. Leicester was estranged from his first and boyish love; but he wrote to Sir F. Blount to make every investigation, to push inquiry to the uttermost, to choose wise and discreet jurymen, not ignorant men.

Blount's answer discloses the feeling of the time. The "prejudice against Forster"—the Tony Forster of the Novel of 'Kenilworth'; "the feeling against the Earl would prompt the jury to find the earl guilty if they could." The letters are in existence, and seem all fair and candid, and bear, moreover, a certain unmistakable air of integrity; but the Earl's character and life have yet to be written.

It is one of the commonest delusions of the uneducated mind to attribute uncommon powers of forecast and duplicity, even of villany, to its enemies. Most probably Leicester's haughty nature made his bitter enemies believe in his power; yet when we find that they recognized equally his power in witchcraft and in poisoning "*enificii et maleficii reus*," we are inclined to pause at the suspicions. But this is foreign to the matter: granting them true, there is not a tittle of evidence to presume complicity in Letitia Knollys. There is very little to criminate Leicester; none at all his wife. I am inclined to doubt even the scandal of their illicit love; yet this may have been. The Road murder, in our own day, will give us some idea of the vagaries of the imagination in cases of sudden death or of undetected crime. How many persons were in their turn suspected! what notable theories propounded! Suppose all newspapers suspended; all information to be hearsay; the inquiry in the coroner's court most informal; no cross-examination; the public still more ignorant—we shall see how easily rumours may have arisen, and with how little justification.

But I speak not to disprove rumours. I merely write in praise of Mr. Dixon's masterly and ingenious fabrications, and have only to say of his character of the learned

Bishop Williams, of Lady Compton, of Peacham, St. John, of the two sisters of Essex, of Essex himself, Blount, Lettice Knollys, of Coke, and of the rest of the characters who have been consigned to his hand, in his own words : " What if it be a lie ; cannot a lie kill ? "

In concluding this chapter I must dismiss my admiration of Mr. Dixon's transcendant merit. He has with the utmost fervour attacked Pope, not for framing, or inventing, or creating scandals ; not for begetting lies, or being the father of lies, but for putting a thought often expressed, current in literature, in verse. Pope softened, if anything, D'Ewes' character of Bacon, in calling him " brightest, meanest of mankind," for he gave him reverence that D'Ewes did not. The term " meanest " was only relative, and not absolute—meanest among his contemporaries. Pope was too logical to suppose any other ; yet Mr. Dixon has very energetically denounced Pope's degradation in doing so. He has done much more, he has written a page to prove the age was utterly vile and pernicious. That " the only end of its wit was defamation, and of its poetry was vice." Poor, condemned, wretched age ! from henceforth, despised Addison, wretched Jonson, so condemned ! But what must be said of an age that not merely allows its authors to reshape lies, but to coin them wholesale, by hundreds—to fill a book from end to end with them ? Mr. Dixon may well despise such a wretched scandalmonger as Pope. Of Blount, of Peacham, of St. John, not one truth is narrated—not one on accepted and historic basis. Well may the noble merchant manufacturer despise the ignoble retailer.

I stand here, in concluding this chapter, as an unknown

man, wrought to grief and anger by violence. As a unit in this great English people, having, in common with many others, a love of truth. I will not appeal to that very small portion of the English press which, either through ignorance or venality, has lent itself to Mr. Dixon's praise ; it is but a little, a very little blot. But I write in appeal to every man's sense of truth, honour, delicacy, religion, virtue. What man is safe, if, after he has been dead some two hundred years, some carrion kite, some ravening wolf, is allowed to break in and pollute his body? Are honour and virtue to have no safeguards? Shall the holiest remains be at the mercy of any jackal of literature, any hungry beast of prey? Shall every mean and malignant temper that can write, be at liberty to defame us dead? To blast our memories, honour, reputation, fame? to invent scandalous and unseemly tales about us? to suggest pitiful and base motives? to reconstruct thoughtless words, and give them the force of crimes? It cannot be, that Literature is so despised, or men so debased, that such conduct shall go unpunished. But if this is unpardonable, infamous, against unknown men, how much more is it infamous, attempted against approved virtue and honour—against the noblest of the earth; against a Coke or an Oliver St. John, or an Essex? how much more when lauded as virtue, and when the Press itself condescends to assist the misbegotten and scurrilous slander?

With this question, to which I await reply, I will conclude by remarking that, having only one-tenth accomplished my uncongenial task, I will proceed, having cleared the ground a little, with the life of the great Genius, Francis Bacon.

CHAPTER VIII.

HAVING brought the life of Francis Bacon, future Lord Verulam, down nearly to the close of the year 1593, and towards his thirty-third birthday, it may be mentioned incidentally that the Earl of Essex left court in dudgeon, on Friday, December 7th, and had not returned at six o'clock in the evening of the following Monday; which "long absence hath not been these years bypast," the court stating that there is strife between both parties, the Queen ever since the earl's departure having been in great agitation; Mr. Standen's opinion being "that Mr. Francis Bacon's case is the cause of the quarrel."*

Up to the 20th day of December, Anthony Bacon remains in London, at which or about which time—possibly on the 18th—he removes to his estate at Redburn, in Hertfordshire, to spend his Christmas. Up to this time, and all through December, Anthony has been busy as ever plotting and counterplotting with affairs of state, just as he had done in years gone by, abroad; making himself the master of foreign information; sending letters and

* Birch.

messages ; paying spies and receiving emissaries as though he were a secretary of state. That busy brain in that frail body cannot be still. Antonio Perez, son of Gonzalo Perez, for forty years the sole secretary of state for Spain, has come over ready to sell the information of Philip II. his King, to Bacon. He has been discovered in a *liaison* with the Princess Eboli, the king's mistress ; has been charged with betraying the King's secrets, and disgraced ; and is now come over prepared to sell his master and betray him to the highest bidder. His fame has preceded him. Sir Henry Wotton, the English ambassador in Florence, wrote as long ago as August, 1592, that he had gone to England to give the Queen information to the prejudice of Spain, being "a knave for his labour," says honest Sir Henry. Sir Henry is abroad, but he will not "lie" abroad even for the good of his country.* Perez has been, like St. Paul, in dangers oft. Threatened with assassination, and imprisoned for his delinquencies. He is a bloody and a dangerous man it is reported, having caused John de Escovedo, the secretary to Austria, to be assassinated. The Queen will have nothing to do with such a wicked, perjured villain, who will sell his master ; and Lord Burleigh is with difficulty persuaded to even give him a conference, but the Bacons have no such scruples. They take him at once into their confidence. They make him their guest. They feast him and ride out with him in public. Their pious mother, whose prejudices against Standen were shocked by their favour of him, is still more moved that this vagabond should be consorted with, and writes in haste and dudgeon,

* Sir Henry's well-known definition of an Ambassador was one who is sent abroad to *lie* for his country.

promptly and severely :—"Though I pity your brother (Anthony), yet so long as he pities not himself, but keepeth that bloody Perez, yea, as a coach companion, and as a bed companion; a proud, profane, costly fellow, whose being about him, I verily fear, the Lord God doth mislike, and doth less bless your brother in credit and otherwise in his health; surely I am utterly discouraged, and make conscience farther to undo myself, to maintain such wretches as he is, that never loved your brother, but for his own credit living upon him."

Lady Ann Bacon, with all her acumen and scholarship, cannot see the policy Anthony Bacon is playing. He takes Standen and Perez to his bosom because they are his useful instruments. Like many women in similar plight, she abuses him for what she sees, not without reason. Anthony is still in great straits for money, and has applied to his mother again to make some sacrifice for them. Why should she undo herself for two such thriftless prodigals—for such a scapegrace, keeping such godless company as Anthony? Poor Lady Ann! it is too true, and yet you are a mother, and perforce while protesting, commit the folly you so severely deprecate. You have already taken steps in it, and yet their ingratitude is past belief and very discouraging. These two astute men of the world, lawyer and statesman, do not obtain the reward of their desert. Many fools succeed better, nay, indeed, it is likely if they had been but fools they would have succeeded, and would not now be eating up your patrimony while you live—eating you piecemeal, a mouthful at a time, not the less surely, that there is delay between each bite. They would

not have kept company with such rake-helly ruffians, such godless villains. Ah, Lady Ann! genius and great gifts are often a sore inheritance.

During 1592, the Queen has visited Sir Edward Hoby, who lives with his mother, Lady Elizabeth Russell, Lady Bacon's younger sister, at Bisham, in Berkshire, about two miles from Henley. Sir Edward Hoby has also derived some genius from his mother and from her education. He is a distinguished orator in the Commons. He is the friend of the learned Camden, who thinks so highly of him as to dedicate his 'Hibernia' to him. Lady Russell had only one son by her second husband, John Lord Russell, named Francis, either after his grandfather Francis, Earl of Bedford, or after his cousin Francis Bacon, most probably the former: we have seen that the Bacons, who were invited, were unable to attend, being both too unwell. There, as usual, there are masques, tilting, and all kinds of games. In September of the same year she visited Oxford; and installed in that seat of learning is a Mr. Henry Cuffe, Greek professor of the University, whom we shall meet again by-and-by.

Her Majesty is at Hampton Court. The plague is in London, and in November killed a page of Lady Scroop, who is one of the ladies of the queen's bedchamber. There Royalty will keep Christmas; so that how Francis spends his time this Christmas we cannot tell. The Queen holds revels at Hampton Court on New Year's Day, and Thomas Churchyard, the poet, who is in favour now at court, and who is another hanger-on of the Earl of Essex, has been cudgelling his brains this month past to provide and shape verses for her Majesty's delectation.

He it is, and not Spenser, who once had to complain that Burleigh, who was to have given him largesse of the Queen's bounty, withheld it, and who wrote the verse found floating about the court in November—

“ You bid your treasurer on a time
To give me reason for my rhyme ;
But since that time and that season
He gave me neither rhyme nor reason.”

Poor Tom Churchyard is no great wit. He has stolen the idea of rhyme and reason in antithesis from Sir Thomas More ; and as your apparel does not always fit your true thief, has not made good use of the stolen raiment. It is quaint old Fuller that says a man should measure his mouth before he steals other men's words, to see if they will fit ; and Churchyard, as an old practitioner, should be wiser in his generation. But if he is no wit and no poet, he is far better, he is a lucky man. William Shakspeare, the Divine, the foremost man in all the world, who has created a literature that shall see the great globe itself roll down the steep of time before it ceases to be, is working laboriously for the “ groundlings ”—a Samson grinding corn for the Philistines ; while Thomas Churchyard makes verses for royalty ; is, in a sort, poet-laureate. Francis Bacon is not yet so fortunate as he—he is still under the cloud of her Majesty's displeasure ; living at his chambers in Gray's Inn, where he most probably ate his Christmas dinner, joining in the Gray's Inn revels on New Year's day and Twelfth Night.

At this time Gray's Inn is the most famous of the inns of court, having twice as many students as the Inner or Middle Temple, and is very prodigal and boisterous at all

festive seasons, being in great favour with her Majesty for its brave shows and masques.

In January, while Bacon sits reading, or is at his crucibles, a letter comes from the Lord Keeper Puckering, to say to-morrow the Queen will nominate officers in law, and that he, the Lord Keeper, not wishing that Mr. Bacon should be ignorant, now apprises him that he had better see my Lord of Essex to-morrow, Friday, the 18th. Mr. Francis Bacon posts off to court; but lo! the Queen only nominates a judge of the Common Pleas, and a baron of the Exchequer, and is told by the Earl kindly, that he will look after his interest; that nothing will be done till Easter Term at least; and he will be the first to apprise Mr. Bacon. On Monday, the 28th, the Earl of Essex takes Mr. Standen aside at court, and laying his hand on his shoulder, tells him that he again interceded yesterday with the Queen for Mr. Francis Bacon, but that she still answered, "on the youth and small experience" of Mr. Francis Bacon.

During this month, a Dr. Lopez, a Portuguese physician, is arrested on suspicion of an attempt to poison Elizabeth. The Earl of Essex has made himself very busy therein, as his royal mistress thinks without good cause, calling him a "rash and temerarious youth," which so vexes the proud and hasty earl, that he shuts himself from her for two days. Among Bacon's works will be found his account of Don Lopez's treason, and all its vile purports, which, however, does not seem to be very important, so that this is probably one part of Bacon's labour during the months of February and March. On the 3rd of February the Earl tells Mr. Standen to call on him at eleven

at night ; and he then confides to him that Mr. Francis Bacon has been arguing a case (at last) in the Queen's Bench, and that he has been much pleased with his arguments ; and that the queen has been made acquainted with the matter, but that she has been much moved to appoint Sir Edward Coke to be her attorney-general, and to nominate Sir Robert Cecil and Sir Edward Stafford to be her secretaries of state.

Lopez had been at last committed to the Tower, and Essex and Robert Cecil are appointed to examine him. They return home in a coach from that place together, not ill pleased with their mission, for they have discovered quite enough by his confession to prove him guilty. On their journey, subtle Sir Robert Cecil, the stiff, precise, high-shouldered, methodical man of business, with the busy, energetic, bustling, yet repressed air, and the compressed mouth, commences a conversation, in spite of the shakings and rumbling of the springless vehicle, with the Earl. He pauses a little, and then breaks out suddenly, and with an effort, "My lord, the Queen has resolved, ere five days pass, without any further delay, to make an attorney-general. I pray your lordship to let me know whom you will favour." The wily secretary *in posse* would seem to help my Lord of Essex, and as though he were not already aware that Essex was moving heaven and earth to gain the place for his client. The Earl answers that he wonders at his asking such a question, "for resolutely against all whomsoever he stood for Francis Bacon."

"Good lord," replies Sir Robert, "I wonder your lordship should go about and waste your time on so un-

likely or impossible a matter. Can your lordship show me precedent?—one of so raw a youth, so unlearned in law, ever nominated to such a place?" it is too true. Then the downright Earl, with what he imagines and afterwards describes to be great cunning, but with a mere *tu quoque*, says he thinks he can give a precedent of as young a man seeking a greater place. Sir Robert feels the thrust, and says if the Earl will be satisfied with the solicitorship, that might be compassed, and be of easier digestion to her Majesty. "Digest me no digestions," says the fond and foolish friend, "the Attorneyship for Francis I must and will have; and in that will I spend all my power, might, authority, and amity, and will tooth and nail defend and procure the same for him against whomsoever." We can see the young Earl, boyish-looking still, his eyes flashing, his voice raised, his delicate temperament quivering with excitement, as he pleads and declares for his friend. Ah me! so shall Bacon answer you. When he gets back, he tells Mr. Standen, Bacon's friend, who immediately asks permission to write to Francis Bacon. The Earl gives him leave, but has an afterthought; tells him to call on him at Gray's Inn, and say that he will himself be there and visit Mr. Francis after dinner, and after he has seen my Lord Treasurer on that subject among others. So the great noble, the Queen's favourite and *alter ego*, calls and leaves Mr. Francis Bacon "extremely joyful and comforted" that he had so stoutly stuck out against Mr. Humpback, as Mr. Standen calls Sir Robert; "Monsieur Bossu." With a malignant show of courtesy, Francis Bacon listens to the epithet, but he does not repeat it, he is too wary for that.

After the great man is gone, Mr. Standen and Mr. Francis Bacon pull their chairs together and talk. Mr. Francis tells him how much his heart is eased, and that he is greatly satisfied with his lordship and his noble dealing, and how much he and his brother Anthony were bound to honour and serve his lordship. Then answers Mr. Standen : " It is very true they have, and the Earl has only one fault, he must continually be pulled by the ear like a boy at his lessons." Mr. Standen has a merry and a sarcastic vein, and a tongue that has before this got him into trouble, so he speaks freely, not fearing much, and being of an incautious temper. Mr. Standen, next day, having a love for a good story, tells of a carter, who having been twice told to call for the Queen's wardrobe to remove it from Hampton Court to Windsor, and being each time disappointed, claps his hand on his thigh and says, " Now I see that the Queen is a woman as well as my wife." Her Majesty standing at the window, overhears the rascal, and sends him three angels to stop his mouth, with a " What a villain it is !"

Two or three days after the journey in the coach, Lord Burleigh sends his own secretary, Mr. Hickee, with a polite message to Mr. Francis Bacon, to congratulate him with much joy and contentment upon the first effects of his public practice, and to request him to send to his lordship his case, and the chief points of his pleading, in order that his lordship might make report of it where it might do him most good. This is the advantage of good friends. The Lord Treasurer himself has but a poor opinion of his nephew's abilities. He thinks him a dreamer, a man of words, an ideologist. All his writings are crammed full

of conceits, and smack of the closet. He has never done anything; but the Earl of Essex will have him attorney and must not be denied. Hence the Treasurer's sudden interest in this case.

Anthony writes to his mother from Redburn this joyous news. The praters say Francis never entered into action. That he is a carpet knight in law. To-morrow he will argue a most famous case in the Exchequer, the Lord Keeper, and, if he is able, the Lord Treasurer, the two Lord Chief Justices, two other Judges of each bench, the Lord Chief Baron, and all the puisnes to be present. To-morrow, Saturday, Mr. Bacon pleads, and though it is half-holiday, he gains, say his friends, general applause by his pleading. What say his enemies, or the critical young esquires (audience against their wills) of the utter bar, about this man who has such powerful friends? Do they sigh and curse their fate, and warm their hands at the sea-coal fire, and think of their miserable lodgings and envy this young lawyer, who is nephew to the Lord Treasurer, and whose friend is the favourite of the Queen, whom they know will step over their heads? Perhaps so, and utter witty and malignant jokes, as they do afterwards, when Mr. Francis fails in getting the Mastership of the Wards and Liveries, after having sanguinely made too sure, has dressed his servants in preparation for the place he is not lucky enough to obtain.

I have said before that the Cecils hate Essex, that the Earl loves them not. Yet we have seen that these rivals for royal favour keep up all appearances of external civility. The Lord Treasurer is an honourable man, who will do nothing mean, or by stealth or fraud. His rule of safety

is prudence, caution, policy. The young Sir Robert thinks meanly of his father's wit; these scruples, this timidity, are weak and vain signs of character. He is more in Iago's vein. A well-contrived move would clear away these enemies with whom his father palters and temporises; but his day will come. The Queen leaves Hampton Court at last in March for Greenwich. The day after she is gone, Mr. Standen goes into the Lord Treasurer's bedroom, and finds him there, the old grey-headed statesman, sitting solitary and musing by the fire. They converse on Mr. Standen's affairs, and Mr. Standen confesses that he has used some intercession of the Earl of Essex's. The Lord Treasurer hereupon began to start in his chair, and to alter from his usual wayward and fretful manner into a tune of choler, being touched in very deed. "So my lord of Essex has helped you, has he?" says the old lord. "You will do well to go to him again then: I hope he may do you good;" and falling into a tempest of wrath, which Mr. Standen could by no means appease, he made him a low bow, and left, with the reflection that so long as the Lord Treasurer reigneth, may I see my fare, and all for following the Earl.

From this it will be seen that to be befriended by Essex is to have no passport to the elder Cecil's heart; yet did He—on Essex's move—send to serve Bacon. Finding the Earl so earnest, Sir Robert, hungering for the secretaryship, will go much further. At the end of this month of March, a new Master of the Rolls is appointed—Sir Thomas Egerton—who will some day be Lord Ellesmere, and founder of the great Ellesmere family. To him Sir Robert Cecil writes March 27th, 1594, the attorney and

solicitorship being both unsettled, to thank Egerton, who is a politic and kindly man, for offering to assist the inexperienced Bacon by his greater knowledge, and "arm him with observations;" "for the greatest sufficiency of wit and learning may yet *need aid in practice*, and for the kindness I thank you as much as if it had been done to myself. And this I dare assure you, that I have no kinsman living (my brother excepted) whom I hold so dear; but I would write more if I spake not in a manner for myself; for so, I assure you, in measure of love and affection he standeth unto me."

Bravo, Sir Robert! the retort has done good. It was a home thrust, that. The secretaryship is yet to win, my honoured father is getting old, and my Lord of Essex has great power, and has shown his hand most foolishly. "He will spend all his power, might, authority, and amity." "Will he? Then he is in earnest. I thought he was but making believe, to secure Anthony's nimble wit and disaffected heart, rot him!" So perhaps has mused or muses the *Petit Bossu*, the day before, or on that very day, for Essex writes on the 28th. The Earl has again seen and baited the Queen, or tried to bait her into compliance. He writes a long letter detailing his suit; that he "had dealt confidently as in a matter in which he feared delay not denial; that Bacon was much cast down by the Queen's anger already." "And because Tanfield had been most propounded to her, I did most disable him." The Queen was very reserved, "and grew not passionate against you till I grew passionate for you." Then she said that none thought you fit for the place but the Lord Treasurer and myself. "Marry," continues

the ingenuous earl, "some of them say differently before us for fear or flattery." I told her the majority and the wisest of her council had preferred you for the place ; that Bacon's enemies had spoken factiously to her, speaking without witness. She said she neither was persuaded nor could hear of it till Easter, "and therefore in passion bade me go to bed if I could talk of nothing else." Wherefore, in passion I went away, saying, "while I was with her I could not but solicit for the cause and the man I so much affected, and therefore I would retire myself till I might be more graciously heard. And so we parted. To-morrow I will go hence of purpose, and on Thursday I will write an expostulating letter to her. That night or upon Friday morning, I will be here again and follow on the same course, stirring a discontent in her." On the 30th, the indefatigable Earl writes again.

"I have now (this moment) spoken with the Queen, and I see no stay for obtaining a full resolution of that we desire." It is to the same effect as before. The Queen shows signs of yielding ; he will make exceptions to-morrow to all the competitors ; the "Huddler" will fare badly. "I will to-morrow take more time to deal with her, and will sweeten her with all the art I have to make. *Benevolum auditorem.*"

Francis Bacon writes promptly back. If he leaves the place he will be so much disgraced and disappointed he will retire with a couple of men to Cambridge, and there spend his life in studies and contemplation. "Without looking back, if you esteem my future, remember the point of precedency. The objections to my competitors your lordship knoweth partly. *I pray spare them not, not even to**

* Query "only to."

the Queen, but to the great ones, to show your confidence and to work their distrust."

So the disparagement of rivals is a shaft out of **Master Francis Bacon's** quiver—they are not to be spared. I think that Gentleman, with all his caution, would not stick at a pretty tale or two to undo a gentleman. There is now a species of praise, very honourable and infinitely more damnatory than condemnation. Perhaps **Mr. Francis Bacon** would like that. As, "Yes; **Mr. Coke** is a fine lawyer, if he could only apply it; and being so polished a gentleman, in a place where courtesy and refinement are needed, is most fit;" or, "Mr. **Morris** is, to be sure, a good lawyer and a most discreet traitor, who is very witty in defaming her Majesty, which will help him with the prisoners." Fie on it, **Mr. Francis Bacon**! is this the magnanimity thy philosophy hath taught thee?

Now April has arrived, and if **Lord Burleigh** will be of **Essex's** opinion, and strive against the Queen for young **Sir Robert's** sake surely the poor Queen will give way. On the 21st of last month, **Bacon** wrote to the Lord Treasurer, urging his suit, but with no particular argument that need be recited. In this he speaks of trying "for the solicitor's place;" with **Essex** he is trying for the attorney's, a much more advanced post. Is he gulling the Lord Treasurer, asking his aid for one post, to have his good word, while secretly he hopes to gain another? or has he given up hope of the Attorney's place, though **Coke** is not appointed till the 10th of April?

It must be presumed, however, that the latter is the case, and that, failing the attorney's place, he hopes to win the solicitor's with **Burleigh's** aid. From this we

conclude that as long back as the 20th of March, at least, the Queen had virtually decided against Francis Bacon for Attorney; that the game was up; and that now, with his uncle's aid and Essex's, there was only the solicitorship to play for.

Bacon is now more than thirty-three, and with all his powerful connections and his great pride—for which nearly ten years ago his uncle had occasion to chide him—his own tenacity and unscrupulousness, he is still resolved to wait on fortune rather than honourably rely on his own exertions. His maxim, a politic one certainly, being, that it is easier to be lifted into honour, than to work for it, and that a little ingenuity is much better husbanded in this manner, than in plodding labour, conscious integrity, or resolute faith in heaven's justice and the triumph of truth. He is not cast down. So all through April we find him writing letters, besieging the Earl, waiting at court to see the Queen for the first time since the subsidy speech, to be denied access still, not only on his own account, but because his friends, the Vice-Chamberlain and the Earl of Essex, were at present somewhat out of favour. Mr. Bacon writes almost pitifully to his cousin Robert to urge his father to ask him to delay placing the new solicitor till the Earl returned to court. Sir Robert answers back that the favourite's absence was a great hindrance. "I do think nothing cut the throat more of your present access than the Earl's being somewhat troubled at this time." How wary the young man is! the delay asked will not be difficult to manage. "I protest I suffer with you in mind, but time will founder all your competitors." The Earl returns. The Queen will have no business whatever at their first

interview, nothing but compliments. "She, at the beginning, excepted all business." She calls on him, and she will not hear of his old suit till he calls on her. So she playfully puts him off. She will do nothing till term begins, April 18. The Earl still harps on the same subject. Again, in a few days, he writes, for he will give her no peace, poor Queen. "I went yesterday to the Queen through the galleries in the morning, afternoon, and at night." "I had long speech with her of you, wherein I urged both the point of your extraordinary sufficiency, proved by your last argument (in the Exchequer), and the opinion of all men."

To this the Queen answers, that the greatness of Bacon's friends, or of my Lord Treasurer and Essex—for she excludes others—"did make men give a more favourable testimony than else they would do, thinking thereby they pleased us." She is ready to admit "that you had a great wit and an excellent gift of speech, and much other good learning; but in law she rather thought you could make show to the utmost of your knowledge than that you were deep." Essex replies to the Queen, that she has denied him so much he hopes she will concede this. He could bear all else, so she would grant him this. She thinks it fitter for him to give way than that she should. The Queen again will not deny, she cannot, her young lover. She will delay, she would think of it; and so it still stands. Anthony soon after writes to his mother, that he and Francis have determined, if the point is not settled in Francis' favour by next term, they will trouble no further in the matter.

Lady Ann Bacon, as we have seen, is not merely pious,

but is also passionate. The distinguishing traits, like those in a well-known epitaph, being somewhat inconsistent—worldly, passionate, and deeply religious, with a notable skill of housewifery and in the brewing of beer. She has been much concerned of late with her sons' doings, and takes on herself to chide them roundly for their misconduct. Anthony Bacon has returned from Redburn, and has taken a house in Bishops-gate Street, situated near the Bull Inn, where all kinds of stage-plays are held. Moreover, the Lady Ann knows the minister of the parish, for she has conversed with him, and he is an ignorant man, and careless of his duty, a Shepherd that lets down the wall of his sheepfold, so that the vagrant lambs roam in and out. A parish with heathen stage-plays, and a minister unfit for godly counsel—her two innocents will indeed suffer! Moreover, Anthony retains with him that villain Lawson, whom her ladyship hates with peculiar malignance. She writes, therefore, a very strong letter to her eldest born who answers back. He is grateful for her motherly affection, but considers her severity against Lawson a mere passion and prejudice springing from presumption. That she can see in him what no one else can; or from a sovereign desire to overrule your sons in all things; concluding his remonstrance very dutifully and affectionately.

It must be confessed that this "saint in God," as she appeared to Francis very probably, and as he has termed her, has a harsh temper and strong will of her own, that incline one little to envy Sir Nicholas in his life. The two brothers remain unsettled, and Francis still sues for the Solicitorship, still hungers and thirsts after place,

knowing full well, sagacious man that he is, that desert and probity are small things, and that while honest men are struggling, a good fat place quietly given to an unfit man is a far more pleasant help to a happy and contented life than the mere consciousness of worth. Just as there are to-day two classes of men, one class that works, and one that is quietly pitchforked into riches and wealth, thanking heaven for its great deserts, so justly rewarded.

About the 17th of June we have Mr. Fulke Greville, who afterwards becomes Lord Brooke, proprietor of Warwick Castle, writing to Mr. Francis Bacon. He has conversed with the Queen in favour of his friend, and will lay 100*l.* to 50*l.* that he will be the solicitor. Mr. Fulke Greville is, like his illustrious friend Sir Philip Sidney, six years older than Bacon, and so is near upon, if not quite, forty. He has a reputation at court for his wit; and it is said there, but nowhere else, that his poems are little short of Spenser's. To do the gentleman justice, he does not think so, being of cheerfulness and modesty enough. Not being gifted with prescience, he sees not that his end will be bloody, and that, as we know now, he will die by the hand of a confidential servant.

In July there is some evidence of her Majesty's being in part reconciled to him, as there is a proof in a letter of his from Huntingdon to her, that she had engaged him in some service of state, but that he had broken down, and was unable to complete it. It was probably of no great moment, and not likely to breed injury to the state in delay. At the end of the month it transpires that the Earl is anxious to be in active service again, which the Queen will not allow, in any lesser action than imports

her crown and state, but gives him a warrant for 4,000*l.* sterling, saying, "Look to thyself, good Essex, and be wise to help thyself without giving thy enemies advantage; and my hand shall be readier to help thee than any other."

In September and part of October, Francis Bacon is at Twickenham. Towards the end of October he returns, at opening of term, to argue a case in London, of which he apprises the Earl in order that he may be present. In December, on Christmas Day, the Queen, at the Earl's instance, and through Anthony Bacon's intercession, gives Antonio Perez 100*l.* land in fee simple, and 30*l.* in parks, possibly for services done—possibly for services to come. On the 20th of January, 1594–95, Bacon's hopes at last seem to draw to a fulfilment. His kinsman, Mr. Edward Stanhope, writes on that date that the Lord Treasurer has had another interview with the Queen in Bacon's behalf; her Majesty ordering him to send for the Master of the Rolls, that she might take his advice, telling the Treasurer that nobody else could nominate any other to the place, lest they should offend him, who seemed only to affect his nephew.

Altogether the Treasurer has not a pleasant time of it; these Bacons are such indefatigable place-hunters. The Queen abuses him on one hand for having Francis' interests too near. Robert wishes Bacon placed, to have the Earl's favour. Anthony studiously absents himself to show his sense of Burleigh's lukewarmness, nay, is even plotting against the old man. Francis besieges him with letters. The Earl worries him; and now Lady Ann herself, who for some time past has not failed in her sisterly letters to him touching the welfare of his soul, and to suggest and

hint his lukewarmness, in this very month of January,* sets on him and Sir Robert in earnest. The latter, she will, as usual, take to task soundly.

The conversation opens by Lady Bacon lamenting the bad state of Anthony's health. Sir Robert answers indifferently, that he has good parts, but that some diseases are hereditary, and that those he is afflicted with seem of that kind. Then the Lady Ann girds at the high-shouldered little man, her nephew, and with her usual habit "speaks her mind." The eldest of her only two sons is, it is true, visited by God, and that is past remedy, but her youngest—here she looks at Sir Robert, who tries to seem unconcerned—"He is but strangely used by men's dealing. God knows who are his enemies"—another glance,—“or why.” “He is the first and only young man of the same account that hath been so circumstanced.” Sir Robert avers that her Majesty's temper is to delay, not to resolve; and he has no doubt his father would have been glad to have his, Sir Robert's, cousin placed before this. “I hope so myself,” rejoins Lady Ann, sarcastically emphasizing the hope; “but some think if my Lord had been earnest it had been done.” Sir Robert then details that his father only last Tuesday urged the matter as term-day was so near, when the Queen said it was a shame no one was placed; that she dared name no one for fear of offending Burleigh and Essex, and concluded by asking, “Is there none, I pray you, but Francis Bacon fit for the place?” Lord Burleigh replying to this that the judges and others think him sufficient with your favour. Sir Robert Cecil further declares his father is most sincere in the matter. Lady Bacon then, driven from her point, suggests that he, Sir

* January 24, 1595.

Robert, is secretary *in place*, though not nominated. Lady Ann is the reporter of this interview to her son Anthony, and the good lady concludes her letter by observing that on the whole, Sir Robert's speech to her upon the occasion was all kindly outward, and in a manner that showed him desirous to have her think him sincere in it.

On the 25th, the very next day after this, Bacon writes a long letter to his brother. From this we glean that, tired of the suspense, and hoping to draw her Majesty to some conclusion, he is trying the threat of travelling, and wishes Anthony to accompany him. He has already acquainted the Earl of Essex of his intention, in order that the Queen may be apprised, and has also written to Sir Robert Cecil on the same subject.

In the letter to Anthony, he conveys that her Majesty (very characteristically) is disinclined to his absence. She at all times objected to the departure of any of her courtiers abroad, being anxious to preserve the splendour of her court; if, indeed, she did not feel a maternal care in the welfare of all who were near her person, either by kinship to her servants, or who were themselves her servants. Thus we find her interfering in the marriage of even younger sons, and of persons not themselves in attendance on her court, as of Robert Cary with Miss Trevanion,* and of Peregrine Bailie, the former, however, related to her in a distant manner; but in all the private affairs of her courtiers she took as active an interest as if they were simply personal to herself. Here the Queen's speech, says Francis Bacon, is after this manner: "Why I have made no solicitor. Hath anybody carried a solicitor with him in his pocket? but he must have it in

* Nichol. Cary's Diary.

his own time (as if, says Bacon, it were but yesterday's nomination) or else I must be thought to cast him away."

Then her Majesty answereth thus: "If I continue this manner, she will seek all England, for a solicitor rather than take me." The plain English of this is, that the Queen is still undecided; she would not like to lose Bacon from her court, nor to appoint him. He is in such a hurry; he must have it on the instant, though certes he has waited long if not patiently; and yet she wants not to drive him out of England. But she will not be forced, not she. To this letter Bacon, with the jealous fear of a man who doubts not his own entire capacity, expresses some fear that the Queen strikes at Essex through him, being in temporary pique with that Earl. We who are behind the scenes know that if she is angered with the Earl, it is at his so unduly pressing the suit of his friend. During this month Anthony applies to his uncle Killigrew for a loan of 200*l.*, in which we must presume Francis is to share, for he inquires in his letter to his brother whether Killigrew has answered. Towards the end of the month Killigrew does answer by denying the suit and refusing the loan.

In the Harleian MSS. there are two or three letters which it is very difficult to place contained in Vols. 6996 and 6997. By the order in which they have been placed they have been assumed to be of the years 1594 and 1595. But the accuracy of the date may in one or two cases be suspected from the imperfection of the caligraphy. It matters little to the progress of this story whether written in the earlier or later year assigned. It is, however, most probable that No. 97 was written in 1594, from Greenwich, where the Queen then was in April, having moved thence from Hampton Court, and that Bacon was then at

court. The letter 52 as well as 50 seems by intrinsic evidence to be attributable to the date of April, 1594, about the time when Coke was appointed Attorney-General. They contain little matter of interest except No. 52, which contains this passage: "I pray your Lordship (the Lord Keeper) to call to remembrance my Lord Treasurer's kind course, who affirmed directly all the rest of the candidates to be unfit." No. 72, Vol. 6996, is a letter of Essex to Lord Keeper Puckering, desiring authoritatively that Puckering should avoid pressing for a solicitor till he, Essex, returns to sue for Bacon. No. 14, Vol. 6697, attributed by Mr. Montagu to the 20th May, 1595, seems 1594. Many of the letters in Montagu are misdated, and all are edited without order or arrangement.

It is almost needless to say that Bacon did not travel, perhaps he never purposed such a step. At any rate he did not do so; but during the whole year 1595, till Nov., pushed his suit energetically for the Solicitor-Generalship. In all quarters as vehemently, and in much the same fashion that he had already pursued it for the Attorneyship. At last, in November, the Queen appointed Fleming her Solicitor-General, and thus four years' labour and strife and anxiety of mind, since he first applied to Burleigh, had been thrown away fruitlessly, and two heavy and bitter disappointments encountered. The only memorable circumstances connected with this application, are, that precisely as we have seen him growing disaffected to Essex and suspicious, he, in his suit for the Solicitorship, grows as suspicious of Sir Thomas Egerton, and, as it would seem, with as little reason. In this last case, however, he is imprudent enough to express to Sir

Thomas, "that your lordship * is failing me, and crossing me now in the conclusion, when friends are best tried," and to express a sarcastic hope "that you will not disable me further than is cause."† In a similar spirit he wrote to Lord Burleigh in March 1594, showing that he mistrusted Sir Robert Cecil, and wrote a rash and impudent letter to Cecil, impugning his motives for not placing him. The two letters to Egerton, as well as his carriage towards him at the Temple, offended that gentleman, and the Earl of Essex was necessitated to write to him and conciliate him, as Bacon's letters had been calculated to produce mischief and hinder any possible good. The letters giving offence to Egerton were written July 28th, 1595, and August 19th; the letter of Essex to Egerton explaining them 31st August, and requested Egerton to grant Essex an interview. That Essex's intercession was useful we perceive by the altered tone of Bacon's letters in September, which are more cordial, and conclude with "Your good lordship" instead of "Your lordship," and end with "Your lordship's affectionate to do you humble service," in one case, instead of the more formal endings of July. About this time was written to the Lord Keeper, probably, a letter which unhappily bears no date, but which has been shamefully misused or abused in use, by a recent Editor to his own purposes. It is to Lord Egerton, and was probably written in September,‡ and runs thus:—

* Sir Thomas was Lord Keeper.

† Letter, July 28, 1595. Montagu, vol. xiii., p. 56.

‡ There is also a letter in the Cabala, June 6, 1595, reprinted by Montagu, vol. xii., p. 4, which I cannot assign to that year, but at latest to 1594. It may be called a servile letter, professing "more sense of obligation than of self-love."

“MY VERY GOOD LORD,—

“The want of assistance from them which should be Mr. Bacon’s friends, makes me the more industrious myself and the more earnest in soliciting mine own friends. Upon me the labour must lie of his establishment, and upon me the disgrace will light of his being refused. Therefore I pray your lordship now account me not as a solicitor, only of my friend’s cause, but as a party interested in this, and employ all your lordship’s favour to me, or strength for me, in procuring a short and speedy end. For though I know it will never be carried any other way, yet I hold both my friend and myself disgraced by this protraction. More I would write, but that I know to so honourable and kind a friend this which I have said is enough, and so I commend your lordship unto God’s best protection, resting,

“At your lordship’s commandment,

“ESSEX.”

This letter has been introduced for the purpose of producing the false impression that out of a spirit of patronage, Essex rashly undertook what he could not hope to fulfil—the placing of Bacon, and that failing, he was culpable. It is, on the other hand, but a portion of a long-continued series, an additional proof of Essex’s great earnestness.

This year has seen Francis Bacon in great straits for money, if the letter of July 6th, 1595, is correctly dated in Montagu, which may perchance be doubted.

He has yet had little or no practice. “My life hath been so private, as I have had no means to do your Lordship service; but yet, as your Lordship knoweth, I have ever had your Lordship in singular admiration.” I think, notwithstanding, his practice at the bar has been increasing during these past two years, though not yet sufficiently to put thoughts of travel out of his head, of which we find him writing again in September 1595,

using the threat apparently again to draw the appointment of Solicitor to conclusion. What business he has had, we find from odd phrases in his letters, is chiefly in the Queen's causes if not entirely so. In March, he is offering to Mr. Hickes his lease of Twickenham, on collateral security for a loan, his uncle Killigrew having failed in January to supply his wants; and it is probably to this month of March, or perhaps to February, that the long letter to Egerton in the library of Queen's College, Oxford,* is to be attributed.

In this letter another opportunity is given us of stealing a glimpse at Bacon's character.

Sir Thomas Egerton, himself a politic lawyer, has shown himself so far a consistent friend of Bacon, reaping the favour of Essex and of Burleigh in consequence. In June of this year we see doubts creep into Bacon's mind that he does not use him fairly. But prior to this he has written, in the letter of which I propose to give some extracts, that he is under deep obligations to Egerton for his loving courses towards him, especially in his nomination of Bacon to the solicitorship, and his countenance and favour in his practice.

His Lordship has suggested that he might succeed him as Master of the Rolls (missing the Attorneyship), which Egerton would vacate in his favour, and Bacon now offers his reversionship of the Star Chamber for Mr. John Egerton, son of the Lord Keeper, if the latter will help him to the Rolls; and that then, as the place is not presently valuable, that it shall be made so, by getting the present holder expelled for corruption; and that Mr John Egerton and himself should hold the place in copartnership. In

* Montagu, vol. xiii., p. 87.

brief, Mr. Francis Bacon's meaning is this : If Sir Thomas Egerton will help him, he will give him his reversion of the Star Chamber—which is, however, only a reversion—for his son. “ Which is but like another man's ground reaching upon my house, which may mend my prospect but it doth not fill my barn.” Or if Sir Thomas is so minded, he will help him to make it of present value, and go share with young Mr. Egerton, by having the present holder removed for corruption. The language is so ambiguous, the proposal so hateful and so disgraceful, that we would at once wish it false, and that an error had been made of the ambiguity rather than that Mr. Bacon should have made it. To enable any person, therefore, to come to an opposite or a different conclusion, if possible, this part of the letter shall be given.

“ And now lastly, my honourable good lord, for my third poor help, I account (it) will do me small good, except there be a heave ; and that is this place of the Star Chamber. I do confess ingenuously to your lordship, *out of my love to the public*, besides my particular, that I am of opinion that rules without examples will do little good, at least not to continue ; but that there is such a concordance between the time to come and the time past, as there will be no reforming the one without informing of the other. And I will not, as the proverb is, spit against the wind, but yield so far to a general opinion. As there was never a more . . . or particular example. . . . But if it be true that I have heard of more than one or two, that besides this forerunning in taking of fees, there are other deep corruptions, which in an ordinary case are intended to be proved against him ; surely, for my part I am not superstitious ; as I will not take any shadow of it nor labour to

stop it, since it is a thing medicineable for the office of the realm. And then *if the place by such an occasion or otherwise should come in possession, the better to testify my affection to your lordship*, I shall be glad, as I offered it to your lordship by way of surrender, so in this case to offer it by way of joint patentcy in nature of a reversion, which as it is now, there wanteth no good will in me to offer, but that both in that condition it is not worth the offering."

It is now impossible to say whether his presumption of Egerton's coolness towards him arose from his guilty conscience suspecting that Egerton would not conform to his views. This letter could not have been written later than his letters of pique in June. From the tone in which he speaks of Egerton's favours to him, it must have been written since Egerton's rise to the Keepership in April of the preceding year, and with great probability may be assigned to February or March 1595. But this is not the point. If I read it aright—and a man may well be excused blundering when such intentional ambiguity has been assumed—a further probability has been suggested or started, of an inquiry into the Star Chamber practices. We know that in the last parliament such an inquiry was proposed. That Bacon declared vehemently against it as a hindrance to his prospects. He will now assist in it, if it will lead to the deposition of the present holder, and if the Lord Keeper of the great seal will help him to win it and to hold it in conjunction with the Keeper's son. He thinks that rules without examples will do little good, and so for virtue's sake, and the benefit of the commonwealth, he would like to see the man punished. He will not move in it, but he will not hinder it; and if the office is made vacant, to testify his affection he will hold it with

his Lordship in joint patentcy. "Truly the serpent is the cunningest beast of the field, and goeth always upon the ground."

I have brought the Life of Bacon to this point, 6th November 1595, when Fleming is made Solicitor-General, without making any comments on it, because I thought it fairer to place the evidence in the reader's hands, that he might draw his own conclusions, than that I should attempt to influence him. To this point he has had a picture, a photograph rather, of one aspect of Bacon's life. He has seen him day by day, by every unworthy art, by stratagem, by the basest servility, by alternate cringing, supplication, flattery, and threats, strive to win his way, without honourable labour, to a high post. His letters to his uncle, to the Lord Keeper, are filled with the basest and most fulsome adulation, the most servile protestations. They are, however, too numerous to be all printed, and I have thus been limited to parts of a correspondence, the whole of which would only more completely verify that which is now published. Bacon's character at thirty-four we must presume to be formed, and in it we have a man unscrupulous in all arts that help men to rise. With consummate opinion of his own gifts, great pliancy, ready obsequiousness, energy in his own cause, and the ability to flatter, there is, it is true, a streak of rebellious blood in him, which makes him apt to fire on small provocation or occasion; and this we shall see shown more than once in his life. But with this exception, which he presently masters, his life is consistent to one end.

Up to this point Fortune has not smiled on him. The Queen is prejudiced against him. She confessed to Fulke Greville she loved his father and would willingly advance

his son on his deserts. But she has nowhere professed her confidence or love for the son. She disparages him to all. To his uncle Burleigh, to Essex. She maintains her enmity against him on account of the subsidy speech obstinately and long. She has a good word to say for Anthony, who slights her and has not yet been to court. But as yet no good word of a solid kind for Francis. She is a keen observer of character. In all the rôle of history, no one person has given proof of a greater capacity to discover merit of varied kinds. She thinks Bacon insincere and wily. The Burleighs have latterly helped his advancement to serve their own ends. Essex has spent all his might and amity to advance Bacon. But there is no alteration of the Queen's strong will. She will prefer Fleming. He is a better lawyer. He has had an infinitely larger practice. He is an older man. He is in every way suited to grace the place better. And again honesty and justice triumph, and Bacon, the needy place-hunter, is placeless.

It can be no source of exultation, but a cause of grief, that Bacon is thus mean. That such contradictions should be in nature; and that an intense light shall bring with it a deep shadow. It is no business of ours to explain it. We must ever take nature as it is, rejecting nothing, falsifying nothing, mistaking nothing. If Bacon is base, it is sad. But if it is true, this is no concern of the historian's. There is a wise end in it, full surely; and now having seen what baseness he has been guilty of, we will pass away from this long struggle for place, wearying in its detail, to his general life, in the second epoch of his career, between 1595 and 1620, when his road is of ascent and of glory, of fortune and unexampled success.

CHAPTER IX.

ON November 5, 1595, the Queen signed Fleming's appointment to the Solicitor-Generalship. On Nov. 17th the Earl of Essex gave a grand entertainment to the Queen in honour of her accession to the throne, in which Bacon assisted by writing the speeches for the Masque, and in which his friend Tobie Matthew sustained a part. In this Masque the Statesman, one of the characters, makes a speech as full of wisdom and policy as the best and sagest of Bacon's charges. Here are one or two passages.

"And ever rather let him take the side which is likeliest to be followed, than that which is soundest and best, that everything may seem to be carried by his direction. . . . But when his mistress shall perceive that his endeavours are become a true support of her, a discharge of her care, a watchman of her person, a scholar of her wisdom, an instrument of her operation, and a conduit of her virtue; this with his diligences, accesses, humility, and patience, may move her to give him further degrees and approaches to her favour.

"Did ever any lady, hard to please, or disposed to exercise her lover, injoin him so good tastes and commandments, as Philantia exacteth of you? But I will leave you to the scorn of that mistress whom you undertake

to govern, that is, to Fortune, to whom Philantia hath bound you." These sentiments are supposed to apply to Essex, but they seem rather the poetical wailings of Bacon's own soul, delicately couched, it is true, but expressive of his disappointment.

In October of this year Anthony Bacon, who has been growing point by point more and more into the Earl's favour, removed altogether to his residence at Essex House. His means have become desperately straitened, either from his extravagance, or expenses in his diplomatic career. And for convenience of access to the Earl, as well as for economy's sake, he becomes a pensioner on the bounty of the Earl. His mother is sorely incensed at this. She wrote, in August, to dissuade him from the step, which he even then contemplated. "Peradventure he may not be so well liked there as in his own house, because of suspicion and disagreement which may hurt him in these fickle times." And again, on the 20th: "You have hitherto been esteemed as a worthy friend, now shall be accounted the Earl's follower, a base kind of good wit and speech. Before his servants did regard you, now you must respect and be in their danger to your cumber and charge, and care to please. Everything you do shall be spoken, and noted abroad, and yourself brought, as it were, into a kind of bondage, where now you are free. Standen and Lawson being there, you will be counted a practiser, and more misliked and suspected. God keep you from Spanish subtleties and popery!"

Anthony listens perforce, but does not heed. October sees him a resident with Essex, a constant guest; and in addition to the Earl's great labours for Francis Bacon,

this is to be added to the sum of his favours—that his generosity has been sufficient to lure Anthony from his independence into servitude; or that his princely nature has so bound Anthony to him by hooks of steel, that he is willing even to accept the semblance of servitude for his sake.

It has been averred that Anthony's fortune was originally ample, yet his entire career seems one of involved means. He has long been a mere pensioner and hanger on of the Earl's bounty, and in becoming an inmate of his house it can only be accepted, that he has become too much involved and too poor to live independently.

But this is not the only service done by the Earl. In this very year, 1595, perhaps in October, immediately on the disappointment reaching Bacon, the Earl of Essex goes to him, and with the utmost generosity confers on him a piece of land, which was afterwards sold under pressure for 1,800*l.*, and which may be estimated, by the coinage of to-day, as having been worth from 15,000*l.* to 20,000*l.* In consonance with the rest of the statements in the Editor of the 'Athenæum's' scandalous book, this gift is perverted and falsified. It is said, "that to pay in land is the fashion of a time when gold is scarce and soil cheap. Nor is the patch too large; at most it may be worth 1,200*l.* or 1,500*l.*" This in defiance of Bacon's own averment that he sold it for 1,800*l.*! "After Bacon's improvements and the rise of rents he sells it for 1,800*l.*" What improvements? what rise of rents? These are of the coinage of Mr. Dixon's brain. There were no improvements, that he can tell us of. No rise of rents. But he further depreciates this noble and voluntary gift, the true benefaction of a generous mind. He says: "Unable to pay his debt

by a public office, Essex feels that he ought to pay it in money or in money's worth. The lawyer has done his work, and must be told his fee. But the Earl has no funds. His debts, his amours, his camp of servants eat him up. Four years have been spent in the earl's service," &c.

Now every line, every word of this is false—as false as the imputation that Essex was indebted to Bacon. As base as the slander that Essex would pay a private debt by a public gift. Essex had received no benefit whatever at Bacon's hand. He had spent hours and days in his service. He had injured his own cause with the Queen. Had written letters innumerable; interceded with his friends; and at last so pledged himself in every way that he could not go back—all to benefit a man who could do nothing in return. It is absolutely false to say that he had been for years in the Earl's service, as false as—the rest of Mr. Dixon's book, in which only one or two accidental truths have crept in, in some three hundred and fifty pages. The slander about the Earl's want of money is as base as the rest. There is no proof that he is in want of money. He is not rich. A man so eaten up by needy dependents, so at the mercy of his friends, could not be. But the insinuations about his amours and his debts eating him up are all of one fashion. This is Essex's reward. He knows Bacon to be penniless, at the direst shifts for money, for maintenance, failing in his profession, and he gives him as much land as is worth more than 15,000*l.* to-day. Can anything be nobler? That Francis Bacon had done anything for Essex up to this time cannot be shown. The nature of their intercourse forbids it. That Essex was in anywise indebted to the briefless needy barrister, is simply

absurd. The gift was a gift, pure and simple, noble as the heart that gave it ; and we challenge any man, especially Mr. Dixon, who has so slandered the Earl's memory, to bring one word in proof of his assertions or to justify his fabrications. Nor is this all ; the Queen knows well the friendship of Essex for Bacon. She has had more than sufficient proof ; so on the very day of the Masque at Essex House, to please the Earl, as a reward for his labours in her honour, she grants, not the place he sued for, but in some amends for its deprivation, the lease and reversion of Twickenham Park. Bacon is no longer to have Fleming's place, but the Queen has before shown her fear of offending Essex ; so on the very day of the fête at York House, to grace the occasion, she gratifies the Earl by at least so much concession in his favour.

Another six months roll on ; Bacon, bent indefatigably on public office, is still a candidate for place. He has missed the Attorneyship and Solicitorship, now he will try for the Mastership of the Rolls. In place is his only hope. On the 8th of May, 1596, Essex is about to depart for the Azores. He is then at Plymouth, his hands full—the charge of a vast expedition, and the glory of the nation in that expedition, on his hands. Thus he writes to his secretary* :—

“ REYNOLDES,—

“ I know I am condemned by all my friends that I write either short letters or none at all to them. But I must protest for my excuse that I am overwhelmed with the task I have here, which rather than I will not perform I will not only lose the recreation of entertaining my friends, but my very meat and sleep. I am busy in

* Birch, ‘Memoirs of Eliz.,’ vol i., p. 480.

bringing all this chaos into order, in setting down every man's rank and degree, that those under me may not fall together by the ears for precedency and place, as in other armies hath been seen. I am setting down the parts and bounds and limits of every man's office, that none may pretend ignorance, if he do not his duty, nor none incroach upon his fellows. I am also in hand with making of orders for the well governing of the whole army. And therefore I have my hands full. But I will, when these great labours are overcome, make them amends for my silence now. In the mean time, do you plead these excuses for me, and especially to worthy Sir Edward Dyer, to whom I send my best wishes, and so rest

“Your loving master,

“Plymouth, May 8, 1596.

ESSEX.”

Here is a graphic picture of the Earl's business and state of mind. He has, young as he is, a due feeling of his responsibility—a due anxiety for the mighty interests confided to his care, but still a thought for friendship. He is ordering, arranging, marshalling, full of occupation, of plans of discipline, but has still time to steal away a thought on those he leaves behind.

While he is in Plymouth, the Lord Keeper Puckering is dead. Egerton is at once advanced by the Queen, having no doubt, on this occasion, of his fitness, and no favourite pleading for the appointment. In the ordinary course of events he would vacate his last place. This he does not do, for he retains it till after the Queen's death; but it opens a chance to Bacon. Puckering died on the 30th of April. On the 6th of May* she gave the Seal to Egerton, “with the applause of the whole nation,” says Lord Campbell. On the 10th Bacon writes to the Earl†:—

* Lord Campbell.

† Birch, ‘Memoirs of Eliz.,’ vol. i., p. 481.

“MY SINGULAR GOOD LORD,—

“I have no other argument to write on to your good Lordship, but upon demonstration of my deepest and most bounden duty, in fullness whereof I mourn for your lordship's absence, though I mitigate it as much as I can with the hope of your happy success, the greatest part whereof, be it never so great, will be the safety of your most honourable person ; for the which, in the first place, and then for the prosperity of your enterprise, I frequently pray. And as in so great discomfort it hath pleased God some ways to regard my desolateness, by raising so great and so worthy a friend in your absence, as the new-placed Lord Keeper, in whose placing as it hath pleased God to establish mightily, one of the chief pillars of this estate, that is, the justice of the land, which began to shake and sink, and for that purpose, no doubt, gave her Majesty strength of heart, of herself to do that in six days which the deepest judgment thought would be the work of many months ; so for my particular I do find in an extraordinary manner, that his lordship, doth succeed my father almost in his fatherly care of me, and love towards me, as much as he professeth to follow him, in his honourable and sound courses of justice and estate ; of which so special favour the open and apparent reason I can ascribe to nothing more than to the impression, which upon many conferences of long time used between his lordship and me, he may have received both of your lordship's high love and good opinion towards his lordship, verified in many and singular offices, whereof now the realm, rather than himself, is like to reap the Fruit ; and also of your singular affection towards me, as a man chosen by you to set forth the excellency and nature of your mind, though with some error of your judgment. Hereof, if it may please your lordship to take knowledge to my lord, according to the style of your wonted kindness, your lordship shall do me great contentment. My lord told me he had written to your lordship, and wished with great affection he had been so lucky as to have had two hours' talk with you upon those occasions, which since have fallen

out. So, wishing that God may conduct you by the hand pace by pace, I commend you and your actions to his divine good providence,

“Your lordship’s ever deepliest bounden,

“FRANCIS BACON.”

With this Anthony also wrote, interceding for his brother, asking also for a word to her Majesty from the Earl in his favour. Here is the Earl’s answer, he probably not receiving the letter till the same or the preceding day, dated the 17th of May * :—

“SIR,—

“I have thought the contemplation of the art military harder than the execution. But now I see where the number is great, compounded of sea and land forces, the most tyrones (tyros?), and almost all voluntaries, the officers equal almost in age, quality, and standing in the wars, it is hard for any man to approve himself a good commander. So great is my zeal to omit nothing, and so short my sufficiency to perform all, as, besides my charge, myself doth afflict myself. For I cannot follow the precedents of our dissolute armies, and my helpers are a little amazed with me, when they are come from governing a little troop to a great, and from . . . to all the great spirits of our state. And sometimes I am as much troubled with them as with all the troops. But though these be warrants for my seldom writing, yet they shall be no excuses for my failing industry. I have written to my Lord Keeper and to some other friends, to have care of you in my absence. And so commending you to God’s happy and heavenly protection, I rest,

“Your true friend,

“Plymouth, May 17, 1596.

ESSEX.”

Was there ever such a hero?—so generous a friend, so modest withal; not three words on his labour for Bacon.

* Birch, ‘Memoirs of Eliz.’ vol. i., p. 487.

"I have written to my Lord Keeper;" no further flourish than that. Is it any wonder that ballads are sung for him? that after his death the nation mourns his loss? that Bacon is threatened with assassination? Is it any wonder that Elizabeth, with her keen vision, takes such a man into her heart of hearts, with all his faults of temper, hardihood, and petulancy? "He is in haste; he will omit nothing." Yet has he thought of every follower and dependent, writing to his steward, Mr. Gilly Meyricke, who afterwards follows him to the block, and who as a brave soldier, is afterwards knighted at Cadiz. And now he writes for Bacon, to Francis, to Anthony, to Egerton, to Lord Buckhurst, and to Sir John Fortescue, Chancellor of the Exchequer. Where is there another commander of armies bent on great enterprise, borne down by cares of state, who would step aside to do such service for a man from whom he can profit nothing, who will profit him nothing, but, like Judas, betray him? The letters to these great lords we will give, for they are brief and to the purpose. Here is a letter to the Lord Keeper Egerton:—

"MY VERY GOOD LORD,—

"I do understand by my very good friend, Mr. Francis Bacon, how much he is bound to your lordship for your favour. I do send your lordship my best thanks, and do protest unto you that there is no gentleman in England of whose good fortune I have been more desirous. I do still retain the same mind; but because my intercession hath rather hurt him than done him good, (this is a jealous phantasy of the Earl's,) I dare not move the Queen for him. To your lordship I earnestly commend the care I have of his advancement; for his parts are never destined for a private, and, if I may so speak, an idle life. That life I call idle, that is not spent in public business; for

otherwise he will ever give himself worthy tasks. Your lordship, in performing what I shall desire, will oblige us both, and within very short time see such fruit of your own work as will please you well. And so, commending your lordship to God's best protection, I rest at your lordship's commandment.

"May 17, 1596."

To Lord Buckhurst he writes:—

"I do, both for private and public grounds, wish Mr. Francis Bacon (to the Mastership of the Rolls) before all other men. I commend his cause to your lordship, not as his alone, or as mine, but as a public cause, wherein your lordship shall have honour."

To Sir John Fortescue:—

"If your labour (in hastening Mr. Francis Bacon) prevail, I will owe it to you as a particular debt, though you may challenge it as a debt of the state.*"

With such reasons, such strong argument, as only the warmest heart, the most generous and self-sacrificing nature could suggest or urge, Essex departs for the wars. His last thoughts for his friend, for the needy Barrister of Genius, whom he believes, in his honest nature, doubtless, as noble as wise, as good as gifted, and whom he, if there is gratitude or honesty in man, will deserve well of, by every act of friendly patronage that a noble generosity can prompt. There is no stint in language or in intent; and being so generously contrived, we will hope that in this case the return will be adequate, and that virtue will not merely be "its own exceeding great reward," but will be met by a solid and substantial gratitude.

* The letter already printed from the original draught in the Queen's College, Oxford, Arch. D. 2. Dugdale's *Baronage*, vol. ii., p. 438, should most likely come in here, instead of 1594, as placed by Montagu.

CHAPTER X.

WE have followed Bacon's fortunes to the departure of the Earl of Essex to Cadiz in 1596. There the Earl gained golden opinions from all sorts of people for his generalship and worthy conduct, no less than for his courtesy and magnanimity among his foes. The injury wrought on the Spaniards and on the Catholic cause by the expedition was incalculable. It was the return visit for the Armada. The Spaniards had descended on our coasts, and we returned their courtesy, but with a very different effect.

On the 20th of June the fleet landed at Cadiz Bay. On a burning summer's day, early in the morning of Monday, as men in England are returning to their weekly labour, fire and smoke, and the furious din of battle are heard resounding far and wide over that calm expanse of water reaching from Rota, or the Port St. Mary (El Puerto) to Cortadura. The action first commenced at sea under shelter of the forts, the Lord Thomas Howard, Sir Walter Raleigh, Sir Robert Southwell, Sir George Carew, in four of the Queen's ships commencing the fight. The crews of the Spanish ships being beaten,

fled to shore, laying a train to blow up their own ship the 'St. Philip.' The 'St. Thomas' having been taken before. The 'St. Matthew' and 'St. Andrew,' ships of 900 to 1000 tons, were captured by the English, with all their ordnance and stores on board, the whole fleet, to the number of fifty-seven sail, "all of them great ones," being burned, taken, or destroyed. At two on the Sunday afternoon, Essex landed with 3000 men, to march on Cadiz, Howard, Raleigh, and Southwell following with 800 men. The Earl was attacked before they came up, but repulsed the enemy, and marched smartly on the town, entering the town with wonderful bravery, himself being one of the foremost. "The town was exceeding strong, and full of men, strengthened with a great castle and several forts; and, in fact, each house in the town was like a castle." After the entry the fight grew very hot in the market-place, streets, castle, and forts. Before ten o'clock next day the Earl's ensign was on the top of the castle, and the Lord Admiral's bloody flag on the top of the fort next the sea, called the Port Philip.

This is the Lord Admiral Howard's own account, written to his father-in-law, Lord Hunsdown, and, says that noble gentleman: "I can assure you there is not a braver man in the world than the Earl of Essex is; and I protest, in my poor simple judgment, a grave soldier, for what he doth is in great order and good discipline performed.

"This was all performed, and all things quieted in twenty-four hours to God's glory, and her Majesty's honour and renown.

“The King’s loss is thus great : First, the loss of his ships, which was a great part of his strength ; then the goods laden into them from the Indies, confessed to be worth eleven millions ; the like whereof was never seen at one time before. If the merchants had not burned their ships by command of the Duke of Medina, we should have gained two millions more. The mercy and clemency which hath been showed will be spoken of through these parts of the globe. No cold blood touched ; no woman defiled ; but have been with great care embarked, and sent to St. Mary’s fort. All the ladies—which were many—and all the nuns and other women and children, have been suffered to carry away with them their apparel, money, and jewels, without being searched.”

After burning the town the army again embarked with great regularity.

In this expedition came to a head—for there was an innate antagonism in their character—the quarrel or enmity between Essex and Raleigh, Essex wishing to pursue his advantages further, to hold Cadiz, to attack the Indian fleet, to assail the enemy in her other forts, and wait for the carracks returning with merchandize from beyond seas. In all these Raleigh, the Lord Admiral, and Sir Francis Vere thwarted him, the opposition being attributed by Essex to Raleigh. With this signal advantage and victory, the fleet returned home.

During the Earl’s absence, Cecil, who had been so long trying for the post of Secretary of State, but who had been opposed by Essex, obtained it on the 5th of July. We have seen how he pushed Francis Bacon’s suit to gain the Earl’s countenance, but Essex’s fatal weakness of

sacrificing himself for his friends was again seen. He had determined to gain the post for no less worthy and historical a personage, than Sir Thomas Bodley, founder of the Library at Oxford named after him, which was opened in 1602. This important post which, to gratify the Queen's favourite, had been no doubt kept so long open, was now in his absence filled. From this point dates Essex's downfall. Cecil is his determined and insidious enemy. The game is for power, and Cecil is the more masterly player. From this day forward the Earl never gains his old ascendancy. His star declines. And though for some years all the same tokens of outward favour remain, yet the Queen thwarts him in his dearest wishes and hinders his best schemes. In a matter, not of state policy, but of mere whim and caprice, of prejudice founded on passion, or of reason based on suspicion, it will be impossible to say how Elizabeth's fatal enmity arises. That it is nursed and cherished by Cecil, no man knowing his character can doubt. That it ends in Essex's ruin we know. How step by step, or point by point, her jealousy is aroused, whether by insinuations of Essex's ingratitude, of his slighting allusions to her personal attributes, as asserted by Raleigh, or by fear of his growing popularity, can never be known, for it was locked in an inscrutable Bosom.

In the year 1597 Bacon published his *Essays*, on the basis, and after the example, doubtless, of those of *Montaigne*. This was his first great or successful literary work; and its importance must rather be estimated by the extent of subsequent popularity than by any extraordinary Literary value these effusions possess. They were

good enough to extend the Author's reputation as an elegant and polished writer, as a profound and speculative thinker. They were not good enough to lift his name from obscurity to that pinnacle of fame on which it now rests, or to distinguish Mr. Francis Bacon vastly from the crowds of great men by whom he was surrounded.

In the same year a parliament was called, and again Bacon was called to sit. He will never more mar his career by rash or tempestuous courses, nor hinder himself from promotion by independence. The Subsidy speech was a bitter lesson which he will never repeat. Henceforward, as indeed from that very day, or from the day he wrote his first letter in 1580, to solicit a place, to Lord Burleigh, he will be a pattern courtier. That unlucky Subsidy speech was a mere slip—an accident sorely repented, an error of judgment, hastily made, like the letters to Cecil and Puckering, proceeding from that part of his mother's suspicious and fretful temper which he inherits. That good lady grows more and more querulous, and her letters to Anthony and his replies become more and more bitter and recriminatory. She suspects all. Will have the greatest caution; will trust no one. Burn, burn, is at the bottom of every epistle, though it is of the most harmless description. Francis Bacon inherits with his father's general placidity a shade of the maternal suspicion and fretfulness. It was a fit of temper, an accidental twinge of gout perhaps, that caused that Subsidy speech. His orations henceforth are temperate, courtierlike, and for his private weal. His reputation as an orator has grown high. For public business in committees, espe-

cially in legal business, no man's name stands better. Perhaps few are so distinguished. He is nominated on almost every committee. His position in the House is proved by the fact that he is almost the first—the first on any really important business—speaker of the session, opening on the 5th of November with a speech on the depopulation of towns and the increase of enclosed lands for tillage and pasturage. His purpose being to introduce two bills on the subject.

This depopulation of towns has been a growing evil now for many years. The country in parts is becoming a waste ; and all the writers of the day abound with references to this apparent desertion of the country, and abandonment of the rural districts for the city. The bills proposed doubtless have her Majesty's sanction, possibly are brought forward at her instance by the Chancellor of the Exchequer. Sir John Fortescue follows Mr. Francis Bacon. The committee is appointed, Bacon's half-brother, Sir Nathaniel, and his cousin Sir E. Hoby, sitting on it among others.

His arguments on the subject are not particularly striking, nor is his speech generally worth reporting ; here is an extract or two :—

“Inclosure of grounds brings depopulation, which brings, first, idleness ; secondly, decay of tillage ; thirdly, subversion of houses, and decay of charity and charges to the poor ; fourthly, impoverishing the state of the realm.” This is not unlike Dogberry's famous charge, in all humility be it spoken, for idleness, decay of tillage, and subversion of houses, certainly lead to the impoverishment of the realm. “And I would be sorry to see within this kingdom that part of Ovid's verse prove true, ‘Jam seges ubi Troja

fruit ;' so in England, instead of a whole town full of people, nought but green fields—but a shepherd and his dog.”*

On bills—“For the relief of the poor,” and “For the erection of houses of correction,” against “Forestallers and regrators,” “For husbandry and tillage,” and several others—he sat in committee.

The bill “For the erection of houses of correction” was the first establishment of these now important institutions, and of workhouses in each county.

On the 15th of November, or ten days after, Bacon shows once and for ever that he is not a factious servant of her Majesty ; that his former Subsidy speech has sat heavy on his soul ; and that he will now make recantation. An extraordinary subsidy is demanded for the Queen, but no thought of the poor and distressed yeoman, or of the unhappy and impoverished husbandman intervenes. This time Bacon's song is in another key. He rises first after Sir Robert Cecil. He will not enter into laudation of her Majesty, because no breath of his can set forth her virtues worthily, and because her Majesty doth bestow her benefits like her freest patents, without hope of return. Her Majesty demands not treasure to lavish “upon sumptuous and unnecessary triumphs, buildings, or like magnificence, but upon the preservation, protection, and honour of the realm.” The treasure which you bestow “is but a vapour which riseth from the earth, and gathereth into a cloud, and stayeth not there long, but upon the same earth falleth again ; and what if some drops of this do fall upon France or Flanders, it is like a sweet odour of honour and reputation to our nation throughout the world.”

This speech is one of the best, if not the best, of his

* D'Ewes, p. 551.

parliamentary orations that have descended to us ; more perspicuous, shorter in its sentences, and less encumbered in style. Part of it is marked by unusual vigour, by terseness, and condensation more approaching that brevity and fulness of matter which he afterwards attained so eminently in some of his writings, and which, on the testimony of Rawley, in his later years he so much affected. He alludes to the great triumph over Spain, to the seizure of Calais by Spain, to the great Irish ulcer eating its way ; how we have heaped scorn upon the Spaniard, ravished a port out of the very lap and bosom of his country, brought him to such despair that he fired his Indian fleet, in sacrifice as a good odour and incense to God.

His oratory undoubtedly wrought in his behalf. He is received again into favour ; and from this time to the Queen's death he became a frequent visitor at court, his repute growing and increasing as his great Patron's waxes low and declines.

Just before parliament opened, viz. Oct. 4, 1596, he wrote a long letter of advice and remonstrance to the Earl, full of wise counsel, and pregnant with weighty and judicious knowledge, based on the keenest observation of men, of public affairs, and of women ; but chiefly of one woman, that woman being her Majesty. He puts it to the Earl whether his, Bacon's, fortune is not comprehended in his, and whether he has not suffered thereby. He has advised the Earl already to devote to one end which will suffice, rather than many. "*Martha, Martha, attendis ad plurima, unum sufficit.*" Win the queen.

Wise in counsel, he proceeds to give his patron weighty advice, for his guidance and consideration. He sets up the Earl's image as one likely to be dangerous to the

Queen, to fright her by its appearance. "A man of a nature not to be ruled, that hath the advantage of my affection and knoweth it, of an estate not grounded to his greatness, of a popular reputation, of a military dependence." "I demand whether there can be a more dangerous image than this, represented to any monarch living, much more to a lady, and of her Majesty's apprehension.

"And is it not more evident than demonstration itself, that whilst this impression continueth in her Majesty's heart you can find no other condition than inventions to keep your estate bare and low, crossing and disgracing your actions, extenuating and blasting of your merit, carping with contempt at your nature and fashions; breeding, nourishing, and fortifying such instruments as are most factious against you; repulses and scorns of your friends and dependents, that are true and stedfast; winning and inveigling away from you such as are flexible and wavering; thrusting you into odious employments and offices to supplant your reputation; abusing you and feeding you with dalliances and demonstrations, to divert you from descending into the serious consideration of your own case; yea, and perchance venturing you in perilous and desperate enterprises."*

If Bacon had not already had assurance of such behaviour in the Queen, and if he were not, to some extent, in this, making a *post facto* statement, its denunciations look so like prescience as to be worthy of being considered prophecy. But here he spoke wisely and warily, as a man who noted every storm that blew at court. Who,

* This letter from the 'Resuscitatio,' p. 106, is printed in Montagu, vol. xii., p. 181. I have followed Mr. Montagu's punctuation, but in either, it is most difficult to read and understand, and is so long as to extend over several pages.

by a straw, would tell you more than others by a falling house. As a philosopher he is keenly observant in all things; profound in deep deductions; sensitive by his fears, and cautious to every omen and presage of mischief—of the stuff to make a Mazarin, a Wolsey, a Richelieu even. The ruler of a king, if he have but a little heart, a little bowels for suffering humanity. But the day which is to see him Prime Minister never comes. Though he will ride hard by, and go nigh the haven, yet the winds adverse, will beat him back.

He proceeds. Essex is a clumsy flatterer. Not that Bacon would insinuate that any one does or could flatter the Queen, that were indeed impossible; but when Essex attempts honest praise, men read formality in his countenance; whereas your lordship should do it familiarly, *et oratione fida*. He suggests that Essex shall appear to emulate Leicester and Hatton, her old favourites, and so appear in the right way. That he should always seem to pursue something weighty and important with eagerness and desire, which he should drop, instantly the Queen expresses her knowledge and dislike; as, for instance, in recommending any one to an office (we have seen this is not Essex's fashion). And Bacon thinks his lordship should depart, or pretend to depart, on journeys to Wales and the like, or even a distant excursion (though this may be an occasional device only), which, on the Queen expressing her displeasure, he should forego. The theoretical statesman being so perfect in his art, as to condescend, even to the advice of the Earl, in his mode of dress, his habits, gestures, &c.

Then as to the Earl's military fame. He has enough for the present. Let it stand. The Queen loves peace.

She does not like expense. Besides, expense makes greatness suspected. He is sorry the earl has taken the Earl-marshal's bâton since his return. It savours of military greatness. The Queen is suspicious on this head. She will have no rival in the people's favour about her throne. He thinks the privy seal would have been much better. It is the third person of the great officers of the crown. Next, it hath a kind of superintendence over the secretary (and when that secretary is the little hunchback, Sir Robert Cecil, Mr. Bacon, it behoves a man to be careful. Wary Mr. Bacon!). It is an affinity to the Court of Wards, and therefore has both power and profit in the Realm; it is a fine honour, a quiet place, and worth a thousand pounds a year. It is not martial, for Bacon would have Essex affect to be a statesman rather than a warrior, to be feared by the Queen; and would enable some other warlike man to be brought into the counsel, some friend of the Earl, who will not be looked on as a rival, or with fear, and who will be as a scapegoat. Excellent, Mr. Bacon!

Mr. Bacon leaves his great charge till last. This is on popularity—the breath of the swinish and wavering multitude. This should be quenched in words, and exist only in things. And, therefore, to take all occasions to the Queen, to speak against popularity and popular causes vehemently, and to tax it in all others; but, nevertheless, to go on in your honourable commonwealth courses as you do. Popularity is a good flower obtained, as the Earl has obtained it, by noble means, but must be delicately handled. It is a posy which suits not royal nostrils if brought too near.

Finally, let the Earl be more economical. Change some

of his officers. Seem careful of his estate ; and, with one pregnant and weighty piece of advice taken to his bosom, Mr. Bacon will conclude. That to be favourite is no harm, but let her Majesty have another favourite who shall appear so before the people ; the Earl is safely enshrined ; but the reputation hinders real power. So let some other favourite be placed, but not to the Earl's hindrance. Oh, no !

This is state wisdom indeed ! This is the fulness of Bacon's intellect ! Advice worthy to be followed. But, alas ! who ever followed good advice ? " If to do were as easy as to know what were good to do, chapels had been churches, and poor men's cottages princes' palaces. It is a good divine that follows his own instructions." Therein is Bacon's only weakness : he gives it, when he should know that it will not be followed—that he will never train the wild vine Essex to run in a garden. " A hot temper leaps o'er a cold decree," and this he should know too. Yet Essex's friendship suits him ; besides, he loves him as well as he loves any man, himself excepted, and Essex can still be useful. In three years the rising barrister can do without, nay, can then afford to despise and make mouths at him ; but for the present he is necessary. Mr. Francis Bacon is in love, not necessarily with a lady's person, but with her purse. Avowedly with his cousin, the daughter of Sir Thomas Cecil, eldest son of Burleigh, and the widow of Lord Chancellor Hatton. He may love the lady, but it is not likely. She is a notorious shrew. But she has an immense fortune. All other ventures have failed, perchance matrimony may retrieve all. Bacon is now thirty-six years of age, and the heyday of his blood is passed. He is, as we know, politic and wary, and is more likely, from his

temper, to woo the lady for her money than from mere love. If he pleaded in earnest, perchance he would win, but he does not, and his wife falls into the arms of old Sir Edward Coke, a widower with six children, ten years older, of a sour and cross-grained temper, and so given up to law, as his sole mistress, as to be a sorry companion for any wife. Bacon does not do his wooing as if he were in earnest, or in any energetic sort. He will bring, as usual, the weight of his connections' and friends' influence, to bear, not from despair of his own merit, or from self-disparagement, but because he well knows the policy of a friend at court and of a powerful name. So, as in all else, he commands—for to ask is to command—the pen and advocacy of his earnest friend, Lord Essex, his advocate for the Attorneyship and Solicitorship and the Mastership of the Rolls. The two first places were otherwise bestowed, the last is still held by the original possessor. The lady will not be gained. Essex's suits do not prosper. There is a blight of misfortune on the Earl. 'Tis often so. But he writes, and, as ever, does his best. Bacon asks "for several letters to be left with me dormant, to the gentlewoman, and either of her parents: wherein I do not doubt, that as the beams of your favour have often dissolved the coldness of my fortune, so in this argument, your lordship will do the like with your pen."*

Essex writes to Sir Thomas Cecil, the lady's father:—

"MY DEAR AND WORTHY FRIEND,—

"Mr. Francis Bacon is a suitor to my Lady Hatton, your daughter; what his virtues and excellent parts are you are not ignorant. What advantages you may give, both to yourself and to your house, by having

* Birch; Rawley's 'Resuscitatio'; 'Life of Bacon,' vol. iii., p. 195.

a son-in-law so qualified, and so likely to rise in his profession, you may easily judge. Therefore to warrant my moving of you to incline favourable to his suit, I will only add this, that if she were my sister or daughter, I protest I would as confidently resolve to further it, as I now persuade to you."

Can anything be more generous, earnest, or to the purpose? It is as wise as well meant. To Lady Cecil he also writes, protesting he would rather match a daughter, if he had one, "with Francis Bacon than with men of far greater titles." The fair young widow, with all her wealth, has so little regard for such a wooer, however, that she runs away, to avoid the match, with Sir Edward Coke, the "Huddler," with his six children and his crabbed manners, and makes him as miserable for the rest of his life as he deserves to be. For he, like his rival Bacon, has little love for the lady, but much for her money.

He is still, in other respects, a feeder on the Chameleon's dish—the air. "Promise crammed." A hanger-on of the court; seeking preferment; and the years 1597 and 1598 disclose many letters and applications, all to the same effect, humbly praying for place. In one to the new-made secretary we gain the first inkling of his treason to Essex, mildly insinuated, and with his usual cunning indeed, but still conveyed. "If his letter is shown, it will appear to pay tribute rather where it is due, than false to any." "It is his (Essex's) luck still to be akin to such things as I neither like in nature, nor would willingly meet with in my course, but yet cannot avoid, without show of base timorousness or else of unkind or suspicious strangeness." (Essex is going down, Robert Cecil has gone up.)

[Here there is a hiatus in the copy.]

"And I am of one spirit still. I am like the

Galenists that deal with good compositions" (like you, Sir Robert) "and not the Paracelsians, that deal with these fine separaters" (as Essex and the queen, to wit); "and in music I ever loved easy airs that go full all the parts together" (this is written in 1598, when the Queen and Essex are at loggats), "and not these strange points of accord and discord. I write honestly and morally, naturally desiring the good opinion of any person, who for fortune or good spirit, is to be regarded. Much more with a secretary of the Queen's" ('tis best to be plain, Cecil will not be befooled), "and a cousin-german, and one with whom I have ever thought myself to have some sympathy of nature, though accidents have not suffered it to appear." (Cruel fortune!)

And now in this very year of 1598, in the month of September, a climax comes to Bacon's woes—of want of place, of money, and of a wife. He is taken prisoner for a debt; not surely, as Lord Campbell thinks, on account of the miscarriage of his marriage, for that has been lost these eighteen months, but because creditors have limits to their patience as well as other men. Like Sheridan, he is seized for debt; perhaps it has the same effect on his mind. The bailiffs' polluting fingers fret him. He writes, on the 24th September, 1598, from a sponging-house in Coleman Street to the Lord Keeper and to Sir Robert Cecil, Secretary of State. He has been scandalously used. Sir Robert will perforce resent a wrong offered to his blood. Besides, he was on her Majesty's service; "and the rascal vaunted that he could have taken me two days ago, only that I was dining with the sheriff; so Sheriff More stands higher with these knaves than the queen."*

* Hatfield Collection of State Papers, and printed in Montagu, vol. xii., p. 276.

The Lord Keeper Egerton, he hopes, will bring the knave to his senses. The sum is three hundred pounds. "He would have taken me to prison, had not Sheriff More gently recommended me to a handsome house in Coleman Street, where I am."* And now again, perhaps on this very rebuff, Bacon thinks of going abroad; of giving up the law altogether; of travelling. He is weary of the Queen's luring him on, "like a child following a bird." It is now more than twenty years since he first kissed her hand, going into France; and he will never have a greater grief than to abandon his first love; yet he cannot face his disgrace, and he hopes her Majesty will not take his motion to travel in offence. But Lord Burleigh is sick, and at the point of death; and young Sir Robert Cecil, the secretary, has gone to France; and, perchance, who knows? another turn in the cards may bring some fortune. So Bacon does not give up the law; on the contrary, he is soon (it is always the darkest the hour before day) to reap great reputation by a most learned argument in the Exchequer Chamber, in Chudleigh's case,† "an argument," says no less an authority than Lord Campbell, "equal to that of Blackstone, in *Perrin v. Blake*; one of the most masterly ever delivered in Westminster Hall."‡

In the meanwhile, too, if he can but stave off pecuniary evils, his profession is growing more lucrative, increasing in value: the Queen turns her face more lovingly to her old favourite's son, "her young Lord Keeper," and, if he will but wait and hope, Fortune herself, tired of so many buffets, will turn, and, with her usual fickleness, pursue him as eagerly as now she obstinately avoids him.

* Montagu, vol. xii., p. 275.

† Lord Campbell, vol. ii., p. 297.

‡ 1 Rep. 120.

CHAPTER XI.

WE draw now towards the close of the career of the great Robert Devereux, second Earl of Essex—Bacon's undeviating friend and patron, who trusted in him when all the world looked coldly on his great gifts; who had injured himself, to serve Bacon, with the Queen; who had out of his poverty enfeoffed him with land of great value—a free gift; who had helped him to win his wife, had Bacon but seconded his friend's efforts; and who now, as Bacon foresaw, and precisely as Bacon had predicted, has run his course. The Queen having precisely in the manner indicated become jealous of his popularity, “of his military bearing,” has thwarted him in all his undertakings, and at last, out of his ambition and rashness, made her lover and favourite a desperate and despairing man.

For the purpose of considering the relationship better between Essex and Bacon, we will commence here with the year 1601, the month of February—the date of the Essex Plot—and consider the Earl's treason retrospectively.

On the 8th, being Sunday, while all the citizens are proceeding quietly to church, there is a riot heard along

Fleet Street ; a violent commotion, and a body of armed men, more than two hundred in number, surges on, headed wildly by the Earl of Essex—once the proud Commander of the united armies of this great country—now the leader of an attack of rabble soldiery in the streets of London. This wild tide of men, among whom are many Knights of name and fame, who have won their spurs in Parma's dykes, and in perilous encounter in the Low Countries with the hateful Spaniard, and for the honour of Mother Church, bear on right past St. Paul's—the haunt of the money-changer and the man of fashion—St. Martin's le Grand—where dwell the makers of gold and silver lace—right through the ward of Chepe ; past Guildhall, till they arrive at the house of one Smith, a sheriff, who had promised aid to the cause, but who now denies it.

The Earl has cried out that his life is in danger ; his men have worn their throats hoarse in shouting for their noble leader, for the Queen, for Essex, Death to the Spaniard ; but there has been no response. The citizens have gathered together in disturbed knots ; some have treated it as a street brawl ; others have timidly gone home to barricade their houses ; in parts there is great confusion and uproar ; the soldiers are called out, it is certain, and occupy the ground about St. Paul's, by the bishop's orders ; but while all kinds of rumours prevail, this insurrection by the most popular man in England—the mad trick of a disordered mind—is dead in its birth ; for “such divinity doth hedge a king, that treason can but peep to what it would.” But the narrative is being unduly precipitated.

On the banks of the Thames—then running a pellucid

and silver stream between wooded banks and some of the finest gently undulating sylvan scenery in England—the various noblemen hold their town houses. London burns wood, and the Thames is pure and dotted with innumerable boats ; the noble mansions on its banks, with their sloping lawns, looking out on a scene of picturesque life and beauty which kings might envy. Here Raleigh lives at Durham Place ; there he spends sleepless nights, a very Cassius, lean and discontent, and preyed on by ambition ; and here also is that very York House where old Sir Nicholas Bacon died ; and which Ben Jonson has so well described, and which his son hopes some day to possess. Here, twenty years hence, under the inspiration of wine and good cheer, Ben Jonson, the soldier poet, will sing in praise of the happy genius of the place. Of that outward prosperity, which seems to betoken happiness ; but of which philosophy tells us, it is but rarely the accompaniment.

Hard by is Essex House, seat of the Earl of Essex. Before the house runs a terrace ; below this terrace there is a lawn with flowers, with water-stairs for landing and departing by the river—by the translucent stream that runs through the heart of a city nobler than Venice in its men and chivalry ; and whence have departed so many grand adventurers, so many Argonauts to that magic new world. The house is in part Elizabethan, has a square court-yard, surrounded by the sleeping-chambers, inhabited by the numerous retainers of the proud and expensive Earl ; and below is half a barrack, filled with men who by their uncouth gestures and violent and turbulent manners, show that they are dangerous men, who have seen service, grow-

ing swarthy under foreign suns. Of mixed races, Flemings, Scotch, Welsh, and even Irish among them ; but with an unusual proportion of knights and gentlemen. From this house the eye stretches down the river to old London Bridge, the church to St. à Becket on its centre ; its arches covered with houses and shops ; its buttresses ponderous and heavy ; and admitting, so close are they together, the passage of nothing much larger than the Queen's barge. Upward the eye takes in St. James's Palace, the great tilt-yard, and Wolsey's palace at Whitehall.

The city is walled ; the merchants are a people distinct from the nobles. The nobles hold a diminished feudal state, and their houses represent the castles of their ancestors. Here, within the last few days, the Earl of Essex has been collecting together a vast number of turbulent and factious persons—Puritans and Catholics, alike persecuted, and alike with common injuries and common wrongs, making common cause against oppression. For some months past the talk at Essex House has been bold and turbulent. Messengers and emissaries have gone to and fro to Ireland. Correspondence is held with the Scotch court, which is known to be disaffected to the English queen. Robert Cecil, the busy little dark man, with his indefatigable energy, and his zeal for business, is as well informed of the doings of Essex House as the Earl himself, nay much better. The Earl's secretary, Cuffe, is noisy and turbulent in his talk ; and there be enough men to bear the Earl's secrets to the wily secretary, if there were no other means of communication. But Cecil has cherished and nurtured this cockatrice,

egg, with hope that this mad earl may at last, with rope enough, hang himself.

The earl has collected within the last few days, Sir E. Lyttleton, Sir Charles Percy, Sir Jocelyn Percy, Sir Henry Carew, Sir Ferdinando Georges, Mr. Parker (called Lord Monteagle), Sir Charles Danvers, Lord Cromwell, Sir John Davis, the Earl of Rutland, the Earl of Southampton, Lord Sandes, Sir H. Lynley, Sir Robert Vernon, and several other gentlemen of known family and reputation, younger sons of distinguished houses, as E. Throgmorton, Mr. Temple, Mr. Charles Ogle, Mr. Bromley, Mr. Christopher Dorrington, Mr. Francis Tresham, Robert Catesby, Christopher Wright, and others; of these a very small proportion, about ten per cent., not more, are Catholics; probably the Catholics among the leaders bear a large proportion. Out of sixty-six persons committed to the various prisons, at least fifteen are persons suspected of Catholic leanings. The chief number are mere soldiers who follow the earl's cause from affection to their leader, and who are ripe for any cause which will breed adventure and pay. News has daily, and of late almost hourly, been conveyed by the obsequious Cecil, and by Lady Nottingham, who is in attendance on the Queen, to her Majesty, of Essex's doings. The day has changed from that when Essex was first in his Sovereign's heart. He is now first in her hate. She hates him as bitterly as she once loved him. Cecil has helped about this consummation; so have Lady Nottingham, and Sir Walter Raleigh, and Lord Cobham; but Essex's own rashness, and want of tact and temper, and Cecil's spies, have done much more.

Raleigh avers that his rival's turbulent and unruly tongue pronounced her Majesty crooked in mind as in body; a speech, perhaps, thoughtlessly whispered in a friendly ear. This, with additions, has been reported to the Queen. Men say the wily fox, Sir Walter, has done the Earl this good service. Whether it is true or false, it is probable. Whether the Queen became first jealous of Essex's growing power, fearful of his ascendancy—precisely as Bacon had predicted—or whether she suffers the bitter pangs of despised beauty, or of affection which she conceives slighted, it would be hard to say. She now more than dislikes—she hates Essex. Yet in her bosom, neither wavering nor inconstant when once reached, there lurks still for the Earl more affection than ever existed for any other of her subjects. It matters little whether any criminal love existed between Essex and the Queen. I am inclined to think there did not. There had been much licence of affection; but possibly nothing more. The point matters little here. All contemporary testimony proves that Essex at one time stood higher in her Majesty's purely personal favour than any other of her favourites. Leicester had gained greater ascendancy, but that early connexion, violently tinged with passion as it once seemed, gave place to subsequent indifference.

Essex was in many respects a happy contrast with the conventional Courtier. He was a sufficient contrast with Elizabeth herself to be complementary. While all others were self-seeking and selfish, he alone was open and generous. While others were stealthy, and secret, he was confiding and candid. He had his mother's generosity

and impulsiveness about him ; her hereditary impetuosity and loving nature, in the noble Devereux blood. Elizabeth had become cautious, secretive, and wary. She was vain, had been sensuous, but age had brought a wisdom not to be deeply snared, by pretenders to passion, though gratified by their praise and adulation. She pitied Essex's rashness and inexperience ; she was wise enough to be his friend and guardian. His father had died in her service. The young man, ambitious, impetuous, affectionate, with warm impulses, and a love of whatever is intellectually worthy of honour and reverence, no doubt loved his Queen devotedly, for her wisdom, her learning, her great gifts, her princely bearing. Perhaps he at first warmly requited her affection by love, or by a passion more ardent than her own. That she was much older—more than twice his age—is of little moment. Young men's love is always for matronly beauty. She was his Sovereign.

His senses may have been, as a boy, dazzled by her magnificence ; but there is no reason to suppose that her love for him was reciprocated long. He was a bad dissembler, bearing his likes and dislikes on his face. With such a nature, bent on serious enterprise, generally absorbed in business, and in the dreams of ambition, it is but reasonable to presume him honest, and believe that he once loved his Queen. She was wise enough with her great gifts, with her Queenly nature, spite of follies and weaknesses, to be loved and honoured by any man. But the tide has now turned that once bore him on to fortune ; it is setting out rapidly, and it will presently leave him, like a waif, a prey to the laws of flotsam and jetsam, stranded on the slippery salt ooze ; when the evening sun setting red, shall

rise on him no more ; but where a storm rising in the night shall dash him to pieces, amid darkness and wailing of winds and sudden oblivion.

Being apprised by his eager and bitter enemies of his many taunts, his evil speeches, his rash demeanour, his turbulent and seditious meetings ; of the Jesuits thronging about his person ; of the disaffected Puritans, who recognize in him their leader and protector, Elizabeth looks calmly on, but will have this young man guarded and watched. He had better beware ; for though not splenetic nor rash, being roused, the lion is not more dangerous. At last, on Saturday, news is brought to the court, that some of the earls, and lords, and knights named are assembled. That the concourse is greater. That there are active preparations as if for an expedition ; and that stores, and arms, and food have gone in. That money has been raised ; and that the talk has been open of an attack on the Queen's palace, Cuffe having even used threats of the Earl's intention. The Queen has no fear. She despises alike the occasion and the cause. She knows the men. She knows her own strength. But she will send ambassadors to see what is doing at Essex House. No spies, but Statesmen, openly. To caution the young man so rashly rushing on his fate. To see what he purposes, and if wise counsel will do it, prevent him from being the agent of his own undoing. To-morrow, as the matter is urgent and must soon come to a head, she will send the Lord Chief Justice Popham ; Sir William Knollys, her chamberlain and comptroller of her household, and a relative of the ill-fated Earl ; the Earl of Worcester, and Sir Thomas Egerton the Lord Keeper, the highest

subject in the realm, who is in two or three years to be Earl Ellesmere, to Essex House, to demand the grievances of the Earl. So, early on the gray and gusty February morning, before the citizens stir out to church, these noble gentlemen in state, with various retainers at their back, and a man bearing the mace, set out for Essex House. They arrive there soon after ten, the bells even now clanging out from every steeple, from Westminster to Bow. The porter at their summons looks out, and seeing these lords in great state and circumstance, with the seal borne before them, sends to the captain of the guard. The captain, a good soldier, but factious and turbulent, and of no great discretion, is perplexed on the instant what to do. But after much consultation, messages sent to the Earl, a great deal of confusion heard by those on the outside, who grow impatient at the long delay, the Queen's commissioners are admitted with great caution and suspicion. Their servants, pressing in behind, are peremptorily forced back and shut out.

The judges find themselves suddenly in presence of a large concourse of armed men, chiefly English, with a small admixture of Welsh, Scotch, Irish, and Flemings. These are all, more or less, turbulent and excited, but restrained by their commanders. In the midst of the court-yard, and surrounded by the soldiers, are the young Earl of Rutland, son-in-law of Essex; the young Earl of Southampton, bound to him in kinship, but still more in amity and love; Lord Sandys; the crafty Lord Montague; Sir Christopher Blount, father-in-law to Essex; Sir Charles Danvers, and several other knights and per-

sons unknown to the judges, but who immediately and clamorously press forward upon the Chief Justice and his companions.

The Lord Keeper Egerton opens his business. He has been sent by the Queen to understand the cause of this their assembly, and to let them know, all of them, that if they have any cause of grief or honest complaint against any person whatsoever, it shall be heard, and they, the claimants, shall have justice. Then the Earl, who, still in bad health, looks pale and wan, but who flushes with his strong excitement and passion, cries out in a loud voice, without periphrasis or even the courtesies due to the Peers, that his life has been sought by his enemies. That they have plotted even to murder him in his bed. That they have set her Majesty's face against him, and compassed his destruction. That he has been cruelly and perfidiously dealt with. That his hand had been counterfeited and letters forged in his name to injure him with the Queen. That he had been denied access to meet his accusers and explain his wrongs; that he had been imprisoned and exiled from the court without cause; and that therefore the Lords, his good friends and kinsmen, were assembled there to protect him and to defend their lives and persons; for being friends of his, they too, had been denied justice and grievously injured, his noble friend, the Lord Southampton, having been set upon by the Lord Grey and his servants in the street, and assaulted. The Lord Chief Justice, whose tone is in strong contrast with the Earl's, mildly and resolutely, and with judicial gravity, declares, that if the Earl himself, or the noble lords his friends, have any such matter of grief,

as is now for the first time declared, or as they aver themselves to have, or if any danger to their persons is compassed, if the Earl will at once declare who are their enemies, her Majesty shall be informed, and he does not doubt that lawful justice will be done, no matter who is concerned.

The Earl of Southampton here interrupts the speaker, and says that Lord Grey has not been yet punished for his assault upon him ; to which the Chief Justice replies, " that he was imprisoned." Upon which the Lord Keeper Egerton begs the Earl to state his grievances, which shall faithfully be conveyed to her Majesty.

At this point there arises a great clamour among the soldiers and serving-men, who have all this time been pressing on the counsellors, and who now cry out, " Away, my lord ! they abuse you ; they betray you ; they undo you ; you lose time." Then the Lord Keeper, putting on his hat, as the whole of the lords have so far stood uncovered, says with a loud voice, and standing on his dignity of judge, " My lord, give us audience privately ; here we are disturbed ;" and turning to the mob, said, " I command you all on your allegiance, lay down your arms and depart. You are here violating the law, and will be punished ; and if you be good subjects, as ye say you are, you will depart at once, at my command." Then the mob immediately make an uproar to drown the speech of the Lord Keeper. The Earl of Essex, puts on his hat and turning hurriedly (his followers attending him) into the house, the soldiery and rabble pressing upon the counsellors as they attempted to follow ; some of those on the outside crying out, " Kill them, kill them !" The Earl went

up into the great chamber of audience, his followers and the counsellors attending; the mob standing about the doorway in the court-yard, and under the windows, and crying out, "Kill them, kill them! Cast out the great seal! Throw it out of the window!" while others cry out, to keep them fast in prison. The Earl passed through his room into his inner chamber, the judges still following and closed the door, putting the key in his pocket as if he purposed to speak with them privately. But having secured the door, showed an intention to depart; and although stopped by the Lord Keeper for a moment, requesting them to be patient as he would return in half an hour, quitted the chamber, leaving them there and placing a guard upon them of Sir John Davis, Owen Salisbury, and Francis Tresham.

Here they remain, it being now nearly eleven, till four in the afternoon, alternately parleying with Davis and begging and demanding their release in the name of the law and of the Queen, and exposed to the menaces and threats of the noisy multitude. Salisbury, the captain of the guard, being incited thereto by his men, who are clamorous, talks noisily of putting the Lord Chief Justice, Egerton, and Knollys to death, and even commences and makes show of piling up shot with a view to assault the place where Sir John Davis is on guard.

The three gentlemen, hearing the clamour, are in no great spirits; and Egerton seems to think that their last hour is come. The Lord Chief Justice rises from his seat, and says boldly that it is but a little shortening of life, and for himself he is content, so that he dies doing his duty and in the Queen's service, a post as honourable

to a judge as to a soldier ; but at the same time sees that Davis, standing outside the great chamber door, with the rest, have their muskets charged and the matches in their hands, and that the shot has been placed nearer, apparently with design.

Presently Sir John Davis enters, and says he intends no harm, and the Lord Chief Justice Popham says, proudly, his hairs are gray ; his life is little worth ; and he fears no Knaves' threats.

There is a wild commotion and hurried running to and fro ; and rumour enters with busy tongue and a hare's heart ; and some say that the Earl is miscarried, and some that he is slain, and some that the Queen is wounded past recovery, when presently and in haste, with fear on his craven face and in trepidation, there comes in abruptly Sir Ferdinando Georges, the governor of Plymouth.

The Chief Justice is again seated, and looks frowningly on the unmannerly intruder, but says little. Georges proffers to liberate the Chief Justice. He answers that he will not depart without the rest. They entered together,—together in freedom, and without molestation or disturbance, they shall depart, or, if need be, die. The craven knight was not prepared for this. He believed the Chief Justice would clutch at life and escape, as he himself would have done.

Georges declares there are many men, and that they are thirsting for the prisoners' blood. He will be their safeguard. He will, though it is a post of danger, bear the Chief Justice through ; life is sweet : he dare not, for fear sake, take them all, but he will return for the rest. The Chief Justice answers imperturbably, he will not leave without his brothers. The Lord

Keeper here, with Knollys, now add their entreaties to Georges'. At last the audience is over. Georges will risk the enmity of the Earl. He will liberate all, if the Chief Justice will plead for him with the Queen. It was against his will and desire that he was led into this.

While this is taking place within doors, the Earl having committed the defence of his house to Sir Gilly Meyrick, his steward, sallied forth, with about two hundred men imperfectly armed; "having only swords, with their cloaks on their shoulders." In their passage towards the City Gate (Temple Bar) they were joined by Lord Cromwell, the Earl of Bedford, and others. Entering within the City, the Earl raised his cry, "For the Queen! For the Queen! A plot is laid for my life!" As the citizens, disturbed by this unusual commotion in the streets, poured forth to gaze upon him, he charged them to arm themselves; "but not one of the whole City, though it was then very full of men, well exercised in arms, and greatly devoted to him, appeared in his favour." Arrived at Mr. Sheriff Smith's house, the Earl, from the excitement and haste with which he had marched, as well as from his previous ill health, was so bathed in perspiration that he was compelled to change his apparel.

In his course from one end of London to the other the Earl has not gained an adherent. The proclamation, and the prohibition of the sermon at Paul's Cross, have kept the streets clear. If a popular rising has been intended, nothing more absurd has, in fact, ever been attempted. The Queen's ministers, thoroughly informed on all points, have effectually quenched the rebellion ere the light could be applied. Mr. Sheriff Smith, on whom the

Earl, in his credulity, or on false instructions, has depended, receives him most coldly. That worthy citizen prefers his own safety. If he has, in an idle or boastful mood, threatened or talked treason, he is in no humour now to substantiate his threats. He seeks an ignoble, but preferentially a more certain security in flight, quitting the house by a back door soon after the Earl's arrival, and going directly to the lord mayor. In the mean time Thomas Lord Burleigh, Robert Cecil's eldest brother, with the garter king at arms, the Earl of Cumberland, and Sir Thomas Gerard, the knight marshal, were proclaiming Essex "a traitor" through various parts of the City. The Earl, apprised of this, rushed forth with great perplexity and confusion in his countenance, crying out in the streets that England was going to be given up to the Infanta of Spain. He vainly hopes thus to excite the citizens—to arm. The attempt fails. His little band, seeing the ill success of their leader, are melting away like a snow-flake. News is brought that the Lord High Admiral himself (Howard Earl of Nottingham), at the head of certain troops, is making that way. The game is up. With barely a hundred dispirited adherents, what can the Earl hope to do? He resolves at once to return home, and then, if possible, make terms with the privy councillors, his prisoners, for audience with the Queen. But fortune is against him this day. She who once pursued him so resolutely, has shunned him now for ever.

Arrived at Ludgate, a company of soldiers dispute his passage. They have been posted there by order of the Bishop of London, under Sir John Levison. He has been deputed to give no egress, and to defend his post. The

Earl thereupon drew his sword, which had been sheathed, and called on his henchman Blount to lay on. Like a faithful feudatory, a bold soldier, and a brave adherent, Blount obeys. There is a *mêlée*. In this, Blount slays his man. One Waite, "a stout officer," who had fought in the Low Countries, and who, tradition says, was once engaged by Leicester to assassinate Sir Christopher. Considering Leicester's reputation, the report is not unnatural, but the story wears an air of mythic unlikelihood. It savours too much of the poetry of retributive justice to be probable. But whether or no, Blount strikes and spares not, is wounded in return, and taken prisoner. A gentleman named Tracy, of good family, and a great favourite of the Earl's, is also slain. Essex receives a bullet through his hat. Finding it impossible to force his way, either at this juncture or during the fight the craven knight, Sir Ferdinando Georges, bent on his own safety, begged permission to liberate the prisoners confined in Essex House. So runs the story. More probably, he departed without permission to free them, and make terms for himself, or falsely construed a doubtful answer. For the same narrative afterwards declares Essex's surprise at their liberation—a point barely consistent, with a previous order for their enlargement.

The little band has now shrunk to less than fifty men. With this force it is impossible to force the way. The leaders therefore determine to retreat to the river side, and there embark for Essex House. They take boat at Queenhithe, and arrive at the Earl's residence in safety. Here, to the Earl's inexpressible grief and disappointment, he finds his last plank kicked away, his

last card struck from his hand. That fortune has played him false. The councillors have flown, and the cage is empty. Resolve is thereupon made to burn all dangerous papers and fortify the house for its defence.

In the City the great Cecil faction, the most powerful family organization perhaps ever combined, has assembled in force. The lords of the privy council have all met, with their retainers and followers. The Lord Admiral, the Earls of Cumberland and Lincoln, the Lords Thomas Howard, Grey, Burleigh, Compton, Effingham, Cobham; the knights Sir John Stanhope, Sir Robert Sidney, and Mr. Fulke Greville (afterwards Lord Brooke), unite, and march on Essex House, the Lord Admiral in command. Disposing his troops skilfully, he proceeds to invest the house on all sides. Everything being prepared for a storm, Sir Robert Sidney is deputed to summon the besieged to yield. Southampton, from within the walls, asks, "To whom?" To their enemies! "This would be, indeed, to throw themselves on destruction." To the Queen! "This would be to confess themselves guilty."

"If the Lord Admiral would give hostages for their security, they would present themselves to her Majesty. If he would not, they would fall like soldiers, being all agreed to die rather than yield."

The Lord Admiral is no less resolved. He will grant no terms to rebels. He will neither propose, nor give hostages; but as he does not war with women, he will give permission to the Countess, Lady Rich, and their women servants to depart.

Alas! it is woman's lot to weep, while man works;

who shall not say that it is the harder fate? Throughout that fearful day, now drawing, amid the conflict of the elements, to a stormy close, the faithful, loving, injured wife of the Earl, whose devotion has been rare even among the chronicles of woman's virtue, has been sitting amid her children in that unhappy house. Once Sir John Davis came to her, and asked her to see the prisoners, to sit with them, as they grew alarmed at their confinement; to ask them to eat, because the stout Chief Justice has declared "he will eat none of my Lord of Essex's meat, not he." Dutiful and obedient ever, she has gone down and sat amid those grey-headed sages and wise judges, only asking, "With what comfort can I go amongst them?" With what comfort, indeed, among strangers, prisoners, amid such excitement, with her husband's life being forfeit that day!

Now she and her fiery sister-in-law, Lady Rich, who, with all her loveliness, is a bad consoler in trouble, being passionate and depressed by turns, and all the sad bevy of matrons, pass out of the gate into the darkness, and the men within fortify the place again, having an hour allowed them by the courtesy of the besiegers.

Before this hour has elapsed, the Earl and Lord Sandys have resolved to force their way out. Lord Sandys is old and grey-haired. He has but a little time to live. He is for the boldest counsels, they are ever the best. He will die like a gentleman sword in hand, and not like a felon on the scaffold. But even this is hopeless. What can two, or even ten, do, against a host? and this scheme is abandoned. Wavering and in despair, the Earl then de-

termines to surrender on conditions, to which proposal the Lord Admiral returns the same answer as before—"He will neither receive nor make terms with rebels."

The besieged then pray three concessions:—

1st. That they should be civilly treated.

2nd. That their cause should be justly and lawfully heard.

3rd. That Mr. Ashton, the (Puritan) minister, might attend the Earl in prison for the comfort of his soul.

The two first of these requests the Lord Admiral at once accedes to. For the last, he will intercede with the Queen. Then the gentlemen fall on their knees and deliver up their swords; and thus at ten o'clock at night ends the Essex Plot.

So ends the maddest blow ever struck at the peace and security of a kingdom. So ends a gathering—a conspiracy it cannot be called—an insurrection, which seems to have had no plan, no hope, no intention from the beginning. The Earl of Essex—the great Earl, the kinsman and lover of the Queen—is at last brought to his knees. He is now swiftly on his road to the scaffold. The fates ply unceasingly the shuttle, but the thread woven in is of the colour of blood. Francis Bacon, the once penniless, friendless lawyer, sleeps well that night. Perchance he dreams of a Queen's growing favour, of a Chancellor's seal, of a Wolsey's seat. In the dark and gusty night, the wind howling about that proud seat of the Devereux, a boat puts off, which rows swiftly across to the Archbishop's palace at Lambeth. It contains the unhappy favourite and Southampton, his faithful friend. The night is too stormy to take them to the Tower. But

presently, ere they are to bed, comes a messenger from the Queen, who will have them at once borne swift to the Traitors' Gate, in a barge. And so, in the darkness of midnight, amid the howling of the elements, pass Southampton and Essex to the state prison, whither some of their fellows have been borne before.

CHAPTER XII.

THE "Great Elizabethan Age" is drawing to a close: the soldiers, warriors, and statesmen will be succeeded by great divines, but neither by men of the same mettle nor of the same weight. The tide is at the turn, but it is hard to trace its greatest height. The trial of Essex will serve as well as any landmark which the historian can suggest. He is one of the last race of feudal courtiers; indebted more to birth and the accidents of fortune than to professional training for his great position. It will be the last great trial at which the same assemblage of wit and genius, wisdom and courage may be found. A brilliant historian two centuries after will trace with magic pencil and in glowing lines the occasion which shall draw together in Westminster Hall the greatest painter, the greatest scholar, the greatest historian of their day—the majestic Siddons, the courtly Reynolds, the erudite Parr. But how poor and insignificant was the opportunity compared with this, and what would not Macaulay have written had his great argument been more worthy his pen! Never such an audience graced a trial before; never in the tide of time could such men be found, such women assembled together. Out of the thousands assem-

bled a hundred are heroes. There are women who have sat to the great artist for Imogen, for Miranda, for *Demona*, for Isabella. There are men who are the types of Prospero, of Coriolanus, of Hotspur, of the noble Moor, of Shallow, and Sir Andrew. The last scene of a drama is being played out, across which have flitted such images of purity, as grace alone the poetry of Spenser, Sidney, and Shakspeare. Such men and women to love, honour, and revere, as seem for the time to have converted the real world into an illusory page of a splendid romance.

On the 19th of February, the friend of Sidney, the patron of Bacon, the hero of Cadiz, is to be brought to trial. His own folly furnishes the weapon to his own undoing. The Queen will have his blood wash out those injuries which a woman never forgives. Cecil and Raleigh have their will. He, the son of one of the noblest sires that ever bequeathed the noble inheritance of unsullied honour to a gifted son, is charged with treason to his country and his prince. Sir Edward Coke, the attorney-general, assisted by the volunteer advocate Mr. Francis Bacon, and Mr. Serjeant Yelverton, have yet to prove that the insurrection was treasonable—that it fell within the Statute of Treasons. How they accomplish their task it is our duty to narrate.

Robert Devereux's father, Walter Devereux, the first Earl of Essex, died in the service of the state, an honourable exile in Ireland. There his memory is cherished as that of a generous but sad and merciful man. Lodge epitomises his character and fortune "as loyal to enthusiasm, but slighted by his sovereign; of the most spotless honour and integrity, but never trusted; equally

distinguished by his skill and bravery in the military profession, to which he had dedicated his life; and uniformly checked in every enterprise he proposed . . . he sank into the grave at an early age, at once an ornament and disgrace of his times, a sad memorial of disregarded merits and unrequited services."

Dying there amid strangers, attended only by his servants, he bequeathed, in words which cannot now be read without emotion, his children to the motherly care of the Queen. His wife, as he perhaps erroneously believes, has given up his honour to his deadliest foe. To the man who is now, by insidious craft and devilish subtlety, sapping his life and poisoning him by slow degrees. Whether the supposition was well or ill founded, matters little here. He fears the worst. Fears that Dudley has dishonoured him, has struck him 'twixt the joints of his harness, done him the most grievous wrong that can be wrought on a stainless knight. Has wounded him nearest to his heart, and now is killing him.

He fears the seducer of his wife is his murderer—that the mother of his family is in alliance with his direst foe. Yet in his will, commending his children to the Queen's care, no word of reproach crosses his lips. He pens the awful accusation without malignity. "Will the Queen be a mother to his children, *for they have no mother?*" This is all.

The leprous distilment works in his blood; his foe will again triumph, yet no cry escapes him. He is schooled in suffering; he is noble in blood, but nobler by nature; he can suffer and be strong. The present Earl, his son, has his father's nobility of soul, but is not sted-

fast. He has the "Bullen" brains, the hot blood, the wilful temper, the too generous heart, with something of his father's greatness, but not all.

This legacy left by a dying man, this trust of a mother's love, how is it answered?

The grandest existing monument of Gothic palatial architecture in Europe, Westminster Hall, sacred to the consecration of England's kings, is the chosen place. It is worthy. On this very ground the wild Norman knights, their Norse blood quickened by fierce potations, once caroused. Here Saxons had often pleaded in vain for wrongs suffered, possessions wasted, extortion practised, to their haughty and insolent foe. Here barons in armour, bearing on their breasts the sign of the cross, in their hearts little of its beneficent teaching, drank and fought and swaggared, with their retainers at their back, knowing no law, to curb their imperious will. Here Richard the Second was formally deposed, and the usurper Henry triumphantly proclaimed him traitor and himself King. That proclamation was the weapon which brought Richard to the Tower, and after to a bloody and unnatural death. Here the Berkeleys, the Percies, the Willoughbies, the Scroops harangued and hated. Here for a hundred years the Kings in state had held their parliaments—here for five hundred years in feudal pomp had been crowned. Here the great patriot Wallace received that sentence which numbered him with the dead; here Sir Thomas More, the wise and witty, with a jest upon his lips, borne down by sickness and suffering, unable to stand, saw the sign which led him a doomed man to the headsman and the grave. Through this hall passed the

Duke of Buckingham, who came out hapless Edward Bohun ; and here ambitious, haughty Somerset was tried.

For four hundred years clamorous suitors, impatient, weary, despairing, have paced this long hall, their hearts full of bitterness at man's injustice. Some future satirist shall ask whether there be more souls damned here, or saved in the church hard by. No spider builds its web on those grand chestnut beams, nor on their clustering angels, which uphold the glorious roof. The webs woven are by men below ; the toils, the toils of the law, those flimsy artifices which bind the flies and let the wasps break through. The walls are hung about with trophies of the war, with banners which tell of the triumph of the Reformation ; with the colours of cruel Spain, won in a hundred battles by sea and land. All things associate to consecrate the hall to a mighty use. Living history—violent, barbaric, feudal—has been acted here. History—ecclesiastic, politic, national. History—Gothic earnest, and intolerant. And Essex's is the last trial in Gothic history, the last in the Elizabethan age, the last before a new architecture, a new monumental art, a new literature, a new race of men shall arise.

It is true the treason of Essex is no great occasion. Another century later on, a man related to this prisoner at the bar—to this energetic, good-natured, reckless courtier, a descendant of his wife's, one Algernon Sidney, will fall here, and a nobler cause will lend a consecration to the scene. This defeat represents no principle. The cause is unworthy the cost of lives to be sacrificed. But 'tis the auditory which fill up the measure of the trial. There cluster about the prisoner such men and women, such heroes, as never have, and perchance never will

again, grace the trial of mortal on this earth. A race of men, with broad and majestic brows, whose sunken cheeks and pointed chins tell of the dominance of the spirit over flesh. Men melancholy grand as they live on the canvas of Velasquez, with an elevation that asks none from his wondrous pencil, nor from his marvellous dexterity. One Walter Raleigh, adventurer, poet, author, wit, statesman, orator, general by sea and land, with depths of light and shade in him beyond the Spaniard's knowledge or art to compass, though he break his palette in despair, is there, as a Captain of the Guard. His look, as it falls on the prisoner at the bar, is not pleasant to think on. He has written a letter to Cecil, which alone can tell us the malignancy of his hate. The greatest constitutional lawyer that ever lived, the lawyer who has done more for the liberty of man than any other in all history, (is not this praise?) is there as Sir Edward Coke, a rising man. Francis Bacon, the founder of a new philosophy, the enfranchiser of the mind, the "brightest, meanest of mankind," is there. Mr. Camden, the great antiquary and schoolmaster; Ben Jonson, the poet and soldier, *ultimus Romanorum*, his scholar; Fletcher and young Beaumont, the playwrights; and then, undistinguished among the crowd, there perhaps stands, an all but unknown man, a player, a Nazarene, one William Shakspeare.

And oh, think on it! genius that lingers long in obscurity, that repines, suffering "the proud man's contumely," he is unknown to Mr. Attorney Coke, or even to Francis Bacon, or to any of the great lords thereabout, save, perhaps, to Sackville and Southampton. For all Bacon's philosophy he knows not, that, that poor despised player's name, will outshine his own, will burn with a

brighter and steadier flame, and that there, in that humble garb, stands the greatest man that ever lived on earth, short of being divine.

But if we are to consider probabilities, how many distinguished men living at the time there, might such an occasion humour to be present! Drake, Gilbert, Whitgift, Hooker, Cavendish, Sidney, Marlowe, Hawkins, and others have been removed; but Napier of Merchistoun; Fulke Lord Greville; Sir Thomas Bodley, founder of the Bodleian Library; Williams, by-and-by to be Lord Keeper and Archbishop of York, and founder of the Westminster library; Cotton; Harrington, the translator of the 'Orlando Furioso,' Michael Drayton, Stowe, Daniel, and Hakluyt, might all have been there.

Among the women, perchance, the mother of Essex, once confessedly the most lovely woman of her time; Mary Sidney, the poetess, to whom her brother Sir Philip dedicated his 'Arcadia,' ("the gentlest shepherdess that lived that day," of Spenser), on whom Jonson wrote the noblest epitaph ever penned. Lucy Harrington, the wife of Edward Russell, Earl of Bedford, incomparable, wayward, lovely, learned, the lover of gardens and of flowers, the hymned of Daniel, of Ben Jonson, and of Donne. The unhappy and guilty Lady Rich, pretty, passionate, impulsive, the wooed of Sidney, the zealous pleader to the Queen for her unhappy brother. Her chaste, unsullied sister Dorothy; and a host of others not less worthy to be named. But this is not all. Every knight here is a hero of romance. They have fought in Parma's dykes; have sailed the seas in craft no bigger than cock-boats; have touched at every port in that magic New World, and left the bones of brothers and kinsmen rotting and

bleaching on every strand. They have sworn fealty and friendship by camp watch-fires, under the walls of beleaguered cities—have, in part, avenged that bloody Massacre of St. Bartholomew, have fought for the Protestant faith, and sounded forth, “as out of Zion,” the “trumpet of reformation to all Europe.”

These are the Argonauts, the men who sailed to Colchis, and, sowing the dragons' teeth, have brought back the golden fleece—heroes worthy another ‘*Iliad*,’ for wherein differs ‘*The Golden Hind*’ from ‘*The Argo*?’ As they all that are here now, sailed once away with many a brave heart now sleeping its last sleep, in 1588, towards the setting sun, and again in 1596, these images of our ancestors—the Jason, the Theseus of the Anglo-Saxon race, all its glory seems to lend a new splendour to their glories and magnificence. That sun is the sun of chivalry, which sets as they glide down below the horizon. It is the last time such an assemblage shall be brought together. Men with more than mortal attributes—poets, statesmen, generals, wits, commanders, and philosophers.

When Raleigh is tried three years after it will be at Winchester, and not in Westminster Hall, and neither Buckhurst, nor Sussex, nor Hertford, nor Shrewsbury, nor Oxford, nor Darcy, nor fifty others will be there. James's reign will offer no similar opportunity. At Suffolk's trial, thirty years before, neither Raleigh, nor Essex, nor Coke, nor Shakspere, nor Bacon would have been there. Northumberland's was in the Star Chamber, and Coke and Bacon were still absent. When Coke and Bacon plead again in their strength Essex and Raleigh will be away. Another king, another dynasty, will have

supervened. Say we not rightly, then, that this is the tide's turn in English history? But it is more—it is the flood tide of fortune in the history of empires.

Throughout Europe feudalism is giving way. In England the arch which supports the tower cracks to its fall. The vital shocks received by the feudal system in the Wars of the Roses, the growing power of the merchant and the trader, the assistance lent by the laws of Henry VII. to commerce, the facilities given by the "Statute of Uses" to the transfer of land, the discovery of the New World, the introduction of printing, the translation of classic authors, of the Bible itself, the emancipation of the country from the foreign dominion of the church, are only some of the causes which have been at work to sap the foundation of old things, and to construct this new political and social organization. Over all Shakspeare's literature broods, uniting the splendours of the old with the most potent glories of the new romance. The angelic purity of women, the courage, endurance, and valour that make the ideal of the troubadours' story are enshrined in his text. His Art embodies the intellectual restlessness, the spiritual fervour, which is to distinguish "a nation of prophets, of sages, of worthies"—whose burden shall be, that increase of wisdom, which is increase of sorrow. Shakspeare bestrides both hemispheres of thought. He holds aloft an unattainable and brilliant light in morals, religion, philosophy, and action, standing "a seamark to which all ships do run."

Elizabeth's power is now at its highest. In twenty years all the feudal processions, ceremonies, jousts, tournaments, masques, and public feasts, the splendid hospitality and pomp of feudalism, which make am-

bition virtue, will have become more or less unreal and unmeaning. They will live only as shows, having ~~sur-~~vived their significance. The age succeeding will ~~de-~~spise all these lusts of the eye. It will regard the temper and pursuits of these men with a sad and sober sternness. The night is closing in, but the morning will wake on a fresh people, another purpose, and a grander cause.

From the day when Elizabeth first came to the throne, her might and the might of her empire in Europe have been gradually rising. The commencement of her reign was amid the most profound disasters. England was menaced at home and abroad. The country was divided against itself, not merely by faction, but by faction in its most intolerant form, as religious strife. A mighty revolution had been inaugurated, which had converted order into disorder, which had cumbered the ground with ruins, made the spoiled disaffected, and the spoilers hated. Ireland was in rebellion. The Scotch supported the claims of a rival to the throne. The aristocracy was no friend to the citizen. The old religion was supported abroad by the most powerful coalition ever formed, at the head of which, was the wealthiest and strongest power in Europe. A coalition bound together by the firmest bond of religious zeal, and a spirit of enthusiasm not less vehement than that which urged the Crusades. Turbulence and faction filled the land. Fear quickened religious zeal into cruelty. Rome filled the land with bigots in the old faith; with traitors prompt at disaffection, ready to make any sacrifice, to subvert their country or its faith, to gain freedom, mastery, or power.

Out of this chaos, England had arisen, proud as when Milton saw her in inspired vision "purging and unscaling her long abused sight at the fountain itself of heavenly radiance"—"a noble and puissant nation rousing herself like a strong man after sleep" by the magic of her own inherent strength. The country was torn with dissension. It is now great and powerful. One by one the Queen's great enemies have been removed or conquered. Spain has been humbled. Ireland is at comparative peace. France is friendly. Scotland, her old enemy, is an ally. Elizabeth never was greater than now, yet she too will die, and the revolution of feeling which is to alienate the devotion of the most loyal people in Christendom will date from Essex's fall. It will, in fifty years, aggravated by far different causes, by slow steps lead a king to the block. From the day in which Essex, the most popular man in England, risks his life in vain to secure an adherent (neither friend nor feudatory) against his sovereign to the day when Charles is ignominiously driven from his capital is less than forty-five years.

This decline of feudalism, of chivalry, of loyalty imparts to it an additional claim on our attention. The knowledge that all that was splendid, was then sealed to decay, sheds around the last days of Elizabeth an interest, which is allied to all that is grand and perishable. For the axe is at the root, the tower is crumbling; and at this period the fullness of time gives to the world in full maturity of thought William Shakspeare, Francis Bacon, and Edward Coke. Without previous guide Napier is originating logarithms and freeing numbers from their incubus. Coke will secure liberty for the body

hates him less, fears him more, and will have no rival so dangerous ; but it is said of all his foes, Lady Nottingham is the worst. This is the lady whose name romance has linked with Essex's, who concealed the ring which was to be the sign of contrition, and betrayed her trust.*

With what pomp and circumstance the court assembles ! The light comes dimly through the stained windows ; but ever and anon gleams of sunshine, mellowed, subdued, fall on the grand robes of state of the peers and nobles, on the quaint costumes of the Knights of the Bath, on the brilliant colours and ermined powdered dresses of the nobles' wives, on the upturned faces of the motley crowd, pressing to hear this great man, this popular Lord, tried. Raleigh, feverish, impatient, stands near the bar, and beside him forty soldiers of the Queen's guard, in their brilliant and splendid uniform. He can look back on a day when the fleets rode at anchor in Cadiz Bay, when that poor emaciated prisoner, sick in body, the shadow of his former self, was the joyous, enthusiastic, yet considerate ruler of all that mighty and powerful host that swam so proudly in the blue water under that southern sky.

Since the earliest morning the hall has been thronged with spectators, whom the knight-marshal and his followers, aided by the tipstaffs of the Fleet, have with difficulty kept in order. The door is still thronged, and each time the tapestry is drawn aside, and there comes a gust of the chill February air, eager faces under prentice caps, closely shaven Puritan heads, portly citizens, and even charming women, are seen pressing to be let in. The

* See Note at end of book.

judges have taken their seats, and slowly one by one the commissioners have entered, to be in turn pointed out by garrulous fathers to pretty daughters, or by lovers to their sweethearts. But the Lord High Steward's place is still empty. He, the Lord Treasurer Buckhurst, is to preside this day. His seat (placed on a raised dais) is in the marble chair of the Kings, under the great canopy of state, by the window at the further end. It is there he presides as the representative of his sovereign.

In front, outside the bar, the great peers and judges of the realm, who are on the commission to try their peer, are assembled. The Dukes are in robes of crimson velvet, furred with ermine and powdered, that is, dotted with ermine according to their degree. The Barons of the Cinque Ports are all in crimson too, with points of blue and red hanging from their sleeves. The Knights of the Bath are in violet gowns with miniver-trimmed hoods. On all sides the eye rests on resplendent colour. The three judges, Popham, Anderson, and Sir William Periam, the chief baron, are now in their places, with their puisnes and the serjeants. There is a buzz of expectation, a rustling, every face to the door, and there enter seven serjeants-at-arms bearing maces, who come in slowly, and who are followed by the Lord High Treasurer, Thomas Sackville, afterwards Lord Dorset, in robes of crimson velvet richly embroidered, and here and there dotted with orient pearls, with his collar of state, his orders, and the garter about his knee. He is an elderly man, nigh to seventy, of grave aspect, as befits a great judge, who has dealt largely in the world's affairs

future Earl of Suffolk, is on the same bench. He won his spurs in the Armada fight with Effingham, is now knight of the garter, and Constable of the Tower. Ten years ago he was fighting the Spaniard off the Azores, and lives immortal in Camden for his bravery. He is the ally and bosom friend of Robert Cecil; while he lives will thrive; but when that crooked gentleman dies, he will find statecraft too much for him, and, like Lucifer, will fall never to rise again.

There, among the rest, is Gilbert Talbot, once ambassador to France, the unnatural brother, fierce and imperious, hasty and petulant; with a wife as hot and self-willed as himself. Henry Clinton, Earl of Lincoln, his companion, another half-insane Earl, hated in his own neighbourhood in Lincolnshire.* Edward, Earl of Oxford, the poet earl, is a son-in-law of Burleigh. William Stanley, Earl of Derby, is a nephew of Robert Cecil. Bindon and Hunsdown are of the Howard stock. Hertford is Bindon's son-in-law. Compton is another kinsman of the Cecils. It is difficult to trace the windings of these family links; but sufficient is known, to warrant the assertion that this trial is feudal—one man, and his family and friends, against the following and feudatories of another—in which the strife will be strong, in spite of law or justice.

“Oyez! Oyez! Oyez!” The Lord High Steward commands silence on pain of imprisonment. Then the commission is read by the clerk of the crown empowering these lords to try Robert Devereux, Earl of Essex. Then

* See petition referred to by Sir Egerton Brydges, in Collins' Peerage, and in Lodge, vol. iii., p. 107.

another proclamation is made, commanding all justices to whom writs had been directed for this service, to bring them in. Then another proclamation, that the lieutenant of the Tower of London should return his precept, and the bodies of his prisoners, Robert, Earl of Essex, and Henry, Earl of Southampton.

Here the excitement becomes intense, the crush terrific. In vain the marshal and the tipstaves try to keep order. There is a murmur like the sea, and Robert Devereux and Henry Wriothesley are led to the bar. First in the mournful procession comes the Lord High Constable of the Tower, then the lieutenant of the Tower, then the gentleman porter bearing the ominous axe, the edge turned away from the prisoners, to indicate that there is yet hope, and that they are so far innocent men. The two Earls, who meet now for the first time since their imprisonment, fall on each other's neck, and kiss one another's hands. And sure two nobler or more faithful friends or more loving kinsmen never lived.

Now every one can look on them. Robert Devereux is pale, yet calm ; his face nervous, yet compressed ; his fine black eyes, that the Queen once so admired, flash round on all sides. They fall, for an instant, on Raleigh with scorn. Southampton is attentive, decorous, and more impassive. Then a proclamation is made, and the precept returned of the delivery of these two prisoners. And then a loud proclamation, and the peers who are to sit in judgment, and summoned to appear this day, are called to answer to their names.

They are twenty-five in number.

THE JUDGES.

Lord Treasurer Buckhurst, High Steward of England,
President.

Edward, Earl of Oxford.	Henry, Lord Stafford.
Gilbert, Earl of Shrewsbury.	Thomas, Lord Grey.
William, Earl of Derby.	Thomas, Lord Lumley.
George, Earl of Cumberland.	Henry, Lord Windsor.
	William, Lord Chandos.
Robert, Earl of Sussex.	Robert, Lord Rich.
Edward, Earl of Hertford.	Thomas, Lord Darcy.
Henry, Earl of Lincoln.	George, Lord Hunsdown.
Charles, Earl of Nottingham.	Oliver, Lord St. John of Bletso.
Thomas, Viscount Bindon.	Thomas, Lord Burleigh.
Thomas, Lord de la Warre.	William, Lord Compton.
Edward, Lord Morley.	Thomas, Lord Howard.
Henry, Lord Cobham.	Baron of Walden.

When the Lord Grey's name (he is of the Greys of Wilton, not of Groby) is called, "the Earl of Essex laughed upon the Earl of Northampton and jogged his sleeve."

Grey is the deadly enemy of Essex and Southampton. These unhappy noblemen know the nature of their jury — that these their judges are their enemies too. That not only are they of Burleigh's kin, but that Compton is brother-in-law to Cecil; that William Chandos believes that Essex has done him wrong with his wife; that Rich is at feud with him on account of the desertion of his wife, Essex's sister; and that Essex opposed Cobham for the Cinque Ports in 1597, against

Sidney. This last is the son-in-law of Nottingham, and one of the most active and inveterate of the Cecil faction, but a mere puppet in their hands. Essex asks "if he may challenge any of the jury." The favour is denied.

Then the indictments are read, and the prisoners hold up their hands, and are required to declare themselves guilty or not guilty. They say, "Not guilty," and throw themselves on the mercy of God, and their peers. Serjeant Yelverton, a friend of Bacon's, and a pliant instrument for some years in his hands, as we shall see, opens the case. He is not sure of the law of the case, and does not speak to it. He charges the Earl with being rebelliously in arms against the Queen, to disinherit her of her crown and dignity; that he treacherously imprisoned the judges Popham, Worcester, and Ellesmere. (Worcester is one of the judges now, and is thus a party, contrary to the maxim "*Aliquis non debet esse judex in sua propria causa, quia non potest esse judex et pars.*") That his confederates cried out, "Kill them! kill them!" while they were so imprisoned; that this conspiracy was like to Catiline's; that the Earl had nothing but papists, recusants, and atheists to abet him; and the learned counsel concluded his eloquent oration, before that high assembly, by praying that God might protect her Majesty's royal person, and preserve her long from the malice of her enemies.

Whereupon the two Earls cry out, "Amen! and may heaven confound all those who would seek to do her sacred person violence."

Sir Edward Coke rises: as his custom and manner is, he speaks closely. "The Lord Chief Justices, which are the fathers of the law, know that the thought of treason, to

imagine it, is by the law death. That he that is guilty of rebellion is guilty of that intent. This he will prove in two points. To raise power and strength against a settled government, is in itself treason; but to usurp it, doth show a purpose to destroy the prince. If he is commanded to dissolve his rebellious company, and he refuse, that is treason; and to levy forces to take any town in her Majesty's dominion is so likewise. "But my Lord of Essex hath levied power to take the Tower of London, and to surprise the Queen's own court: this must needs be higher than the highest, for the court is more sacred than the Tower, as to fortify oneself against the prince's power is worse than mere rebellion."

Sir Edward then gets into his squandering vein, defining and dividing his subject in the oddest and most incongruous manner; as is also usual to him, mixing up his division of subjects with abuse of the Earl—with attacks on his ingratitude, because the father had been made first Earl of Essex by Henry VIII.—charging him with intending to kill the counsellors of state, which is not proved in evidence, and which Mr. Attorney Coke knew he had no right to insinuate. And at this point, the Earl of Essex, who, like all the men of his time, knew something of law, perchance, but being moved more probably by an instinct assuring him that Coke in making a false accusation, was behaving illegally, stopped him.

Essex.—"Will your lordships give us our turn to speak, for he (Coke) playeth the orator, and abuseth your lordship's ears and us with slanders? but these are but the fashions of orators in corrupt states."

His lordship is in his turn interrupted, and the evidence of one Witherington, a spy, is read. It is to the effect that order was left, it is not said by the Earl or by whom, that if the Earl miscarried, the counsellors should be killed. This man has merely thrust himself into the company on the day of the rising. He is perjuring himself, and the Earl speaks vehemently.

Essex.—"I will not, I protest to God, speak to save my life; for those that prosecute it against me shall do me a good turn to rid me of my misery and put themselves out of fear. Mr. Witherington doth much disparage himself. I protest to God, upon my salvation, I never heard such words as 'Kill him! kill him!' Mr. Witherington came voluntarily to my house, unsent for, and in the forenoon did come into our company, and these are but reports. Had such a cry been secretly made, Mr. Witherington could have deposed; but being, as he declares, openly spoken, a hundred others might have testified, yet none spake it besides."

The Lord Keeper, the Earl of Worcester, and the Lord Chief Justice Popham, declare here, upon their honours, that they heard the shout "Kill them! kill them!" but they will not aver that it was made with my Lord of Essex's privy or command. The declaration of these lords is then put in, as to their confinement in the house during Sunday, when the rising was taking place, as has been already detailed; and then the written papers of examination of the various conspirators—Sir John Davis, Sir Charles Danvers, Sir Christopher Blount, and Raleigh's spy, Sir Ferdinando Georges, on his own proof, a base knight.

These testimonies are put in, in evidence; but the

depositions thus made, are not substantiated by the presence or cross-examination of the accuser.

And here allusion may be made to a recent wonderful discovery that this was a popish plot. Essex says,—

“ And whereas, we are charged to have dealt with Papists: I assure your lordship, and it is most true, that Papists have been hired and suborned to witness against me; as by the means of one Sudall, who was a seminary priest, and sent into Ireland to deal with Sir Christopher Blount, whom he thought to be inward with me, to touch my reputation and honour. And Bales, the scrivener in the Old Bailey, hath confessed that he has forged my hand to at least two letters, and here are two honest gentlemen to witness it.”

Again, in answer to the charge that Davis is a Papist, and drawn in by Sir Christopher Blount, Essex replies—

“ If Sir John Davis were such a man I must have heard it. I couldn't search into his heart. Yet have I seen him dutifully come to prayers, and to the service of God in my own house with me, and behaved himself very godlily, and of this I can be witness. And as for Blount, God is my witness, I have been so far from popery, as I have so earnestly dealt with him, to reform himself, insomuch that he hath told me I have been very passionate.”

Coke (on the forging of the two letters)—“ Ay, by my troth that is true; but it was by the procurement of one of your own men.”

Essex, passionately. (This pleading for life against false witnesses is no child's play.)—“ Thou swearest it, that man thou sayest procured to do it, his name is John

Daniel, an arrant thief, one that stole a casket of my wife's, and many other things. Is it likely that I should trust him? But it is well known who set him to work, to get my hand counterfeited," (Cecil is alluded to); "yet this man, this enemy, this traitor to me and mine, must be a practiser in such matters by my own consent. Mr. Attorney, I thank God *you are not my judge this day; you are so uncharitable.*"

The deposition of Sir Ferdinando Georges, Raleigh's friend, is now put in. He asserts, as all such informers do, that, though engaged in the conspiracy, he endeavoured most earnestly to dissuade the Earl from the fatal step. Essex now pleads to him, "I pray thee, good Sir Ferdinando, speak openly whatsoever thou dost remember, and with all my heart I desire thee to speak freely."

Georges.—"All that I can remember I have delivered in my examination; and further I cannot say."

Essex.—"Yes, Ferdinando; if ever you knew any other matter which contained any thought of treason or disloyalty, speak it; for they are things not to be forgotten."

Southampton.—"Good Sir Ferdinando, satisfy the court what was intended among all our conferences and talk of our enemies, and discontentments, and consultations, and what was our best course for our defence against them."

Georges, thus abjured, answers.—"Some delivered their minds one way, some another; but, by the oath I have taken, I did never know or hear any thought or purpose of hurt or disloyalty intended to her Majesty's person by my Lord of Essex."

Cobham having^o been alluded to by Essex as bearing enmity to him, asks why Essex casts such imputations on him.

Essex replies.—"My Lord, I have forgiven all the world, and therefore you shall not need to insist on these circumstances. I protest I bear your lordship no malice; and I further declare that what I have spoken was not out of fear of death or desire of life."

Many times during this examination, during this great trial, must the spectators' minds have swayed to and fro, like trees driven by the winds. When the two Earls embrace, when Witherington's testimony was adduced, when Bacon rises, the excitement at points must have intensified. His great popularity, his misfortunes, make him an object of pity. They see him foredoomed (like Milton's Satan) by fate to die. "He is so young to fall by the axe: and he was driven to despair by love, and he has two little girls and a little son, only nine years old, and his wife, they say, dotes on him, for he is a most loving lord."

Now rises Francis Bacon, the "much-bounden" friend.

Bacon.—"My lord, may it please your grace; whatsoever my Lord of Essex hath here denied in my conceit it seemeth to be small. I speak not to any ordinary jury, but to prudent, grave, and wise peers;* and this I must needs say, it is evident that you, my Lord of Essex, had planted a pretence in your heart against the government; and now, under colour of excuse, you must lay the cause

* This is the Old Bailey practice. "I speak not to men unaccustomed to the usages of business, but to men of intelligence and patriotism," &c. &c.

upon particular enemies. You put me in remembrance of one Pisistratus, that was come into a city, and doting upon the affections of the citizens unto him, *he having the purpose to procure the subversion of a kingdom*, and wanting aid for the accomplishing his humour, thought it the surest means for the winning of the hearts of the citizens unto him, and so in that hope entered the city, and cut his body overthwart, to the end they might conjecture he had been in danger; and so by this means held the same conceit as you and your complices did, entering the City of London, persuading yourselves if they had undertaken your cause all would have gone well on your side. And now, my lord, all you have said or can say in answer to these matters are but shadows; and therefore methinks it were your best course to confess and not to justify."

Essex.—"May it please your lordship, I must produce Mr. Bacon for a witness; for when the course of private persecution was in hand and most assailed me, then Mr. Bacon was the man that proffered means to the Queen, and drew a letter in my name and his brother Sir Nicholas Bacon's name, which letter he purposed to show the Queen, and Gosnal was the man that brought them unto me, wherein I did see Mr. Bacon's hand pleaded as orderly, and appointed them out that were my enemies, as directly as might be. Which letters I know Mr. Secretary Cecil hath seen, and by him it will appear what conceit he held of me, and no otherwise than he here coloureth and pleadeth the contrary."

The Earl cannot understand this double dealing, this private testimony in his favour, this public denunciation of

his atrocity, equalling that of Pisistratus, and which it would do well for him to confess. Bacon volunteers an apology.

Bacon.—"My lord, I spent more hours to make you a good subject than upon any man in the world besides; but since you have stirred up this point, my lord, I dare warrant you this letter will not blush, for I did but perform the part of an honest man, and have ever laboured to have done you good, if it might have been, and to no other end; for what I intended for your good was wished from the heart, without touch of any man's honour."

Essex.—"Well, my lord, I do here protest, before the living God, that an honourable, grave, and wise counsellor hath lamented and grieved at the courses he hath seen taken, and therewith hath wished himself often dead; and this I speak upon credible and honourable information; but I can prove thus much from Sir Robert Cecil's own mouth, that he, speaking to one of his fellow-counsellors, should say that none in the world but the Infanta of Spain had right to the crown of England."

Who this grave and wise counsellor may mean can only be guessed; it may, perchance, have been Cecil, who was, as far we see, subsequently Mr. Comptroller, who had made protestations that he disliked the courses taken by Essex's foes to overthrow him; but is more likely to have been some greater man, Ellesmere, or other. The bearing of this speech on Bacon is not clear; but perhaps the courses condemned include those of Bacon no less than of the Queen and Cecil.

Thus challenged, Cecil steps into the arena; Le Petit Bossu will not thus be attacked. His reply to the Earl is

by no means as dignified as we should expect a privy councillor to make—but who can be wise, crafty, prudent, all on the instant?—and his jealous vindictiveness shines forth.

Sir R. Cecil.—"The difference between you and me is great, for I speak in the person of an honest man, and you, my lord, in the person of a traitor; so well I know you have wit at will. The pre-eminence hath been yours, but I have innocence, truth of conscience, and honesty to defend me against the scandal of slanderous tongues and aspiring hearts; and I protest before God I have loved your person and justified your virtues; and I appeal to God and the queen that I told her Majesty your afflictions would make you a fit servant for her." (I would submit is not this in the "*qui s'excuse s'accuse*" spirit? His candour has not been impeached, yet he proceeds to protest that he has not been guilty of double dealing, but it is with the reservation of conscience that if he has not done much to serve Essex, he would have done more if Essex had been worthy. My friend Bossu, I sadly fear your honesty, notwithstanding Dorset's testimony, and that the world was right in its judgment, and your conscientious executor wrong.) He continues: "And had not I seen your ambitious affections inclined to usurpation I could have gone on my knees to her Majesty to have done you good; but you have a sheep's garment in show, and in appearance are humble and religious; but God be thanked we know you; for indeed your religion appears by Blount, Davis, and Tresham, your chiefest counsellors for the present." Mr. Bossu knows how false this is, but it is the bitterest thrust he can invent to charge Essex with

being a Catholic. At this time to charge him with Catholic tendencies is much what it would be in the north of Ireland to-day, or to charge him with heresy in Spain. "And by promising liberty of conscience hereafter, I stand for loyalty which I never lost; you stand for treachery wherewith your heart is possessed; and you charge me with high things, wherein I defy you to the uttermost. You, my good lords, counsellors of state, have had many conferences, and I do confess I have said the King of Scots is a competitor, and the King of Spain a competitor, and you" (here he turns on Essex) "I have said are a competitor. *You would depose the queen, you would be King of England, and call a parliament. Ah! my lord, were it but your own case the loss had been the less; but you have drawn a number of noble persons and gentlemen of birth and quality into your net of rebellion, and their bloods will cry vengeance against you. For my part I vow to God I wish my soul was in heaven and my body at rest so this had never been.*"

The cunning malignity of this speech, its treacherous insinuation and bitterness are unsurpassable in history.

The Cecils, father and son, occupy a great place in history, but no attempt has heretofore been made to elucidate their characters. Burleigh was, in the main, an honest though a wise, wary, and subtle politician. No criminal act lies against his fame, except, possibly, that of furnishing the *matériel* or guiding the pen for the libel 'Leicester's Commonwealth,' attributed to Parsons, the Jesuit. This is no place to discuss his character, but it may certainly be affirmed that while he possessed much greater legitimate resources than his son Robert, he was

much his inferior in treachery and cunning, and was on the whole much more scrupulous. The hypocritic affirmations contained in this last sentence are worthy Sir Robert's aunt, Lady Ann Bacon, or his cousins, Francis or Anthony themselves. Perhaps it came from the same source—from the Cook family.

Essex.—"Ah! Mr. Secretary, I thank God for my humbling, that you, in the most of your bravery, came to make your oration against me here this day."

This is dignified, but for Mr. Secretary Cecil's reply as much cannot be said.

Cecil.—"My lord, I humbly thank God that you did not take me for a fit companion for you and your humours; for if you had, you would have drawn me to betray my sovereign, as you have done. But I would have you name the counsellor you speak of; name him, name him, name him, if you dare, if you dare, I defy you; name him if you dare."

Cecil is a scold. We see enough in Essex's present provocation of his enemy's wrath to perceive that the Earl's judgment was not reliable, and to incline us to suppose that his want of caution should have been sufficient to have deterred Bacon from his alliance. Robert Cecil was, in truth, a little man called by circumstances to great affairs.

Essex.—"Here stands an honourable person" (he indicates the Earl of Southampton) "that knows I speak no fables; he heard it as well as I."

Cecil.—"Then, my Lord of Southampton, I adjure you, by the duty you owe to God, loyalty and allegiance you owe to your sovereign, by all tokens of true Christianity,

and by the ancient friendship and acquaintance once between us, that you name the counsellor.”*

The counsellor is named, is sent for at Cecil’s earnest request, and declares, “I never did hear Mr. Secretary use any such words,” or to that effect.

Whereupon Mr. Secretary thanked God that though the Earl stood there as a traitor, yet he was found an honest man and a faithful subject; withal saying, “I beseech God to forgive you for this open wrong done unto me, as I do openly pronounce I forgive from the bottom of my heart.”

To this Essex replies sarcastically—

Essex.—“And I, Mr. Secretary, do clearly and freely forgive you with all my soul, because I mean to die in charity.”

In the (by a modern standard) informal mode of conducting the trial, a further recrimination takes place between Mr. Attorney Coke, Southampton, and Essex, in the course of which Southampton alleges that the first occasion “that made me adventure into these courses was the affinity betwixt the Lord of Essex and me, I being of his blood and marrying his kinswoman, so that for his sake I should have hazarded my life.”

Essex then enters on his defence. The report given in the State Trials is not long; but, such as it is, it is not

* In the *Hamlet* of 1604, 4to., there is this passage, Act 2, Scene 2: “But let me conjure you, by the rights of our fellowship, by the consonancy of our youth, by the obligation of our ever preserved love, and by what, more dear, a better proposer could charge you withal,” &c. Is this likeness accidental, or do Cecil’s words live imperfectly in Shakespeare’s memory as he pens his immortal work? For it is curious the same passage is not in the 1603 4to.

greatly to the purpose, nor urged with that vehemence or force which we should suppose would be natural to a man on trial for his life. It contains two affirmations, however. "And here I protest before the ever-living God, as He may have mercy on me, that my conscience is clear from any disloyal thought or harm to her Majesty; and my desire ever hath been to be free from bloodshed, as Mr. Dove can witness. *But if in all my thoughts and purposes I did not ever desire the good estate of my sovereign and country, as of my own soul, I beseech the Lord then show some mark upon me and my soul,* in this place, for a just vengeance of my untruths to all the world. And God, which knoweth the secrets of all hearts, knoweth that I never sought the crown of England, nor ever wished to be a higher degree than a subject." And then the young Earl concludes by declaring that his desire was only to secure access to the Queen in his rash undertaking to secure himself against his enemies, not to shed their blood, and that he repels any charge of his being a hypocrite, or an Atheist, or a Papist, or a favourer of any sectary, "as my Lord of Canterbury knoweth and can testify: for my religion it is sound, and, as I live, I mean to die in it."

Then rises Bacon again. "Well, my lord, may it please your grace, you may see how weakly he (the prisoner) hath shadowed his purpose, and how slenderly he hath answered the objections against him. But, my lord, doubting that too much variety of matter may minister occasion of forgetfulness, I will only trouble your lordship's remembrance with this only point, rightly comparing this rebellion of my Lord of Essex to the Duke of

Guisse's, that came upon the barricades at Paris in his doublet and hose, attended upon with eight men. But his confidence in the city was such (even as my lord's was), that when he had delivered himself so far, and that the shallowness of his own conceit could not accomplish what he expected, the king, for his defence, taking arms against him, he was glad to yield himself, thinking to colour his pretexts, turned his practices, and alleged the occasion thereof to be a private quarrel.

This speech of Bacon's, as well as the one preceding it, show that Bacon is a reasoner by analogy, and not by induction. It is poor in legal argument, hence perhaps his want of success as a lawyer. Illustrations are not argument. Analogic power is demanded, for it gives grasp, but the first need is clearly logic.

Essex speaks briefly in reply, not in explanation of his conduct, or in his further defence, but alleging that he surrendered himself on conditions, and pleading for his companions, a speech, brief as it is, disclosing his extreme disinterestedness and zeal for his friends.

Then the Sergeant-at-Arms, after a pause, and much whispering and commotion among the judges, and a great pushing and thrusting among the crowd, stands forth, and amid breathless silence proclaims: "Lieutenant of the Tower, remove your prisoners from the bar." Then the judges and the peers retire together into a space enclosed, at the end of the hall, and at the back of the canopy and chair of state. The two chief judges and the chief baron being sent for to deliver their opinions in law on the case, and there they remain in consultation for half an hour.

Half an hour! How wearily lags the time to the

unhappy prisoners at the bar, yet with very different impressions does the suspense come laden to each. Essex is a sanguine man by nature, but he has a premonition about his heart that his sands are well nigh run out. Twelve months' misery and exile from the court, sickness, and the power of his enemies, have told on his spirits, and he fears the worst. Southampton has still hope. He was only an abettor of Essex—an accessory. He knew no treason, believed in none. Essex had no such designs as his enemies impute to him, but Essex was vain, headstrong, rash, believed himself stronger than he was, and has been guilty of an act capable of bearing the worst construction, if he had not the worst intention. Men are as often punished for their folly as their crime. So far Essex should be punished, so far Southampton should participate, but he feels himself a minor criminal, and therefore not justly amenable to the full severity of the law.

In that half hour's suspense who shall paint the rush of emotion about the prisoner's heart? My Lord of Essex is but human, suffers no more than the poor letter-carrier condemned amid the business and formal callousness of the Old Bailey to his term of penal servitude. He suffers, perchance, less, for he has not the agonizing consciousness of a poor mother tottering across the court, blinded by her tears and stumbling at every step, with letters and testimonies of character which she has scraped from all sources, which she has worried from neighbours, which she has with boldness and audacity wrung from men she never dared to face before, for her only son. But men have in all ages determined to recognize the

sufferings of the great and the heroic, and not of the domestic. They will not believe in the "corporal sufferance," of the beetle, though it "finds a pang as great as when a giant dies." Perhaps it suffers less, despite the poet. If not more in ratio, still it is more comparatively, and so fills a larger space in the world of sorrow. The Earl has dropped down like one of the Titans, has been hurled as out of heaven. He has a proud, sensitive heart; he has an unbending temper; he has a great vanity quickened by that benevolence of nature which, keenly sensitive to pain in others, fears also with a morbid sensitiveness and sentiment to bear it. There is in him the strife of nature, of courage and womanly tenderness, of nobility with fear of shame, even of shame not ignobly wrought. He looks round; he sees many eyes of pity, much sorrow, and commiseration, and his thoughts recur to his fond and dearest wife, the partner—the more than partner of all his trials. He thinks of his children, of his boy now growing up to man's estate, and his heart beats as his eye falls on Raleigh and the troops, for the one moment when he might again plunge through his foes, and to the sound of the trumpet and the charge die a soldier's death, his face to his foes, amid the whirlwind and din of battle. What would he give for the open sky above, the free wind of heaven, and a triumphant fall. Then his eye falls, perchance, on the stained windows, and he finds himself idly counting the panes of glass, tracing out the scutcheons, and is startled from his reverie and vacuity of mind by a stir in the court, for he fears the jury are coming, and now his heart throbs as if it would burst.

It is nothing, only a woman borne out fainting. The

morning is cold and raw, and grey and gusty, and yet the court has grown stifling to some, for there are many there who pity the young Earl, who think of his grand proud figure as he figured at jousts and tournaments; as he appeared the young champion of the great Queen, the proud emblem of his country's chivalry, valour, and adventure.

I am not bound down to the mere facts: I am bound by them; but I may hold up this bald narrative of the State Trials, and say, Is this an account of Essex's trial? it is the fossil of it; it is the skeleton, the dead bones of the valley of death. The reporters of that day were less skilled (and so far for the historian, more conscientious) than those of to-day. They did not improve on their speaker. They did not make sense of his nonsense, or convert an inartificial and faulty speech into a polished and artistic oration. They were far less ingenious, for reporting was in its infancy, and signs had to stand for words, and so words were often overthrown; but if the reports were not so full, if the reporter only gave us parts of speeches, we know that those parts are, in the main, the words, the very words, of the speaker. So far even want of intelligence has its advantage, truth being greater gain than polish or art. We have not, fortunately, to strive with a Johnsonese version of Bacon's and Essex's speeches on this occasion, but their true thoughts, cumbered with all their faults of expression, the clumsiness of nearly all oratory, when literally reported. But surely even this does not represent what actually transpired on that eventful day.

There are finite bounds to history; and narrative is well nigh as fatal to circumstance as is memory to the true

preservation of exact knowledge. Imagination, as it is called, the power to create, out of one's knowledge of other facts and other occurrences, something which by analogy can be applied, or be shown to resemble the actual occurrence, is a poor substitute. Yet humanity is the same at all times, under certain circumstances, and to a definite extent, allowing for race, and character, and temper. A mob at Athens would behave like a mob in London. The trial of my Lord of Essex is neither more nor less, in some of its phases, than the trial of any other great noble peer or criminal, any man who has played a great part, as a bright particular star in that particular theatre, in the world's eye, which is dignified by being considered historical, and where the poor players are said to enact history, though often in the meanest manner to the pitifulest audience.

The Puritan with his hair close cropped, his aspect sour and atrabilious, earnest and enthusiastic, the rough and careless latitudinarian, whose creed is ample as his girth ; the thick-lipped, narrow-browed, sharp-nosed, believer in witchcraft and demons, in torture and the rack, the heavy, happy enjoyer of this world's goods, elbow each other in the crowd. There are ladies whose wonderful toilettes tell with what emotions of pleasure and vanity they came forth to be admired. It matters little that no one has seen them, that no one could see them ;—that if noticed at all, it was with a stare—rude, supercilious, envious, or contemptuous in the beholder ; or that they have been, as we know, the subjects of pity to many friends less fair.

It needs no prophet to tell us that while many a wife has been preparing full of flurry and anxiety, her restless

husband, chafing behind his ruff, his gallant velvet cloak well displayed, is pacing passionately, in seething anger, up and down the hall—that while this comedy is passing in hundreds of houses, in two or three there is tragedy of weeping and misery. Lady Essex, sits like Niobe, all tears, amid her crying children (a babe in arms but two months old at the most), who only dimly understand their father's danger and their mother's woe. Lady Rich, the passionate sister, is full of denunciation : her anger struggles with her tears : she is by turns vehement and hysteric. She will go to the Queen and pull her from the throne ; she will confound all Essex's enemies ; she moans and tears her hair for " Poor Robin," and wishes Blount,* were there to help him ; as if Blount could help him. Dorothy, Northumberland's wife, is shedding silent tears. Her husband in the Low Countries ; he was safe to trust to pull down Essex, but not to sacrifice his life ; he was better out of the way. Lettice Knollys, she who has seen so much grief : her first husband die of poison, her second suddenly ; her first son, Walter, in his pride of youth abroad, at Rouen, and now Robin, her favourite and best beloved, most like herself ; so young, so gifted, so handsome in a mother's eyes, so bold and fearless, so loving, honest, outspoken. Does not Letitia, the mother, cry ? Has she no pangs at her evil fate ? Alas ! her grief is demonstrative too, bitter and poignant, noisy and clamorous, but there is a belief that such woe is rarely long lived.

The half-hour of suspense wears on ; the crowd grows impatient, starts at every noise about the chair of estate, keeps its eyes eagerly fixed on the door whence is to

* Lord Mountjoy.

issue the procession of the judges, indulges in much seeming levity, in whispering, in many light jokes, has tired itself with pointing out the relatives of the prisoners, in commenting on their bearing, in foolish hypotheses as to the cause which brought them there. At last there is a noise, a rustling of the crimson curtains at the end of the Hall and by the canopy of state, and the judges issue forth. Then they take their places, and the sergeant-at-arms, coming to the barriers, makes proclamation of silence again, and calling on Lord Thomas Howard the puisne lord, (the least on the list,) with formal circumstance, there is again a pause.

Then rising slowly my Lord Thomas Howard stands up in his place, bare headed. "My *Lord Steward*—Lord Thomas Howard, Whether is Robert, Earl of Essex, guilty of this treason of which he is indicted? Guilty, or not guilty, upon your honour."

Lord Thomas Howard.—Whereupon the Lord Thomas, bending his body and placing his left hand upon his right side, said, "Guilty, my lord, of high treason, upon my honour." And then all the other peers in succession, from the least to the highest, find their verdict in like manner; and being called anew, found Henry, Earl of Southampton, guilty in like manner.

History is silent, as if these were not human beings, but merely figures carved out of stone, as to the "behaviour in court." Do no women sob? are there no shrieks, no pangs of woe visibly expressed? or is it merely a city enchanted, like that of the 'Arabian Nights,' and these human beings but shadows, without life or motion?

The sergeant-at-arms stands up again to command the lieutenant of the Tower to bring his prisoners to the bar again, and they are placed there—men's eyes bending on them in pity. Then the clerk of the court said : " Robert, Earl of Essex, you have been arraigned and indicted of high treason ; you have pleaded not guilty, and for your trial you have put yourself on God and your peers. Your peers have found you guilty. What have you to say in your defence, why you should not have judgment of death passed upon you ? "

Essex.—" I only say this, that since I have committed that which hath brought me within the compass of the law, I may be counted the law's traitor, in offending the law, for which I am willing to die, and will as willingly go thereto as ever did any ; but I beseech your lordship, and the rest of the lords here, to have consideration of what I have formerly spoken, and do me the right as to think me a Christian, and that I have a soul to save, and that I know it is no time to jest. Lying and counterfeiting my soul abhorreth ; for I am not desperate nor void of grace, now to speak falsely. I do not speak to save my life, for that I see were vain. I owe God a death, which shall be welcome, how soon soever it pleaseth her Majesty. And to satisfy the opinion of the world, that my conscience is free from Atheism and Popery, howsoever I have been in this action misled to transgress the points of the law, in the course and defence of private matters, and whatsoever, through the weakness of my wit, and dulness of my memory, or through violent courses (if there be any violent that seek either life or death) ; or if I have omitted, or may have uttered anything otherwise ; yet I

will live and die in the faith and true religion which here I have professed."

The same ceremony of sentencing is then gone through with Southampton; after which the Lord Steward, addressing Essex, suggesting that the Queen hath bestowed many favours on his predecessors and himself, asks him to throw himself on the queen's mercy, confessing his offences, and "reconciling himself inwardly to her Majesty." From Essex's answer, we may glean the personal feeling between himself and the Queen, which is rather that of an outraged lover, or an injured equal, than of a subject convicted of treason.

Essex.—"My lord, you have made an honourable motion. Do but send to me at the time of my death and you shall see how penitent and humble I will be towards her Majesty, both in acknowledging her exceeding favours to my ancestors and to myself," (This is sarcastic, and said in irony, in reply to Buckhurst's misplaced suggestion of the many favours shed upon his predecessors and himself. Essex, doubtless, has imbibed from his mother's nurture, and from his father's death, different views as to these "favours;" for Elizabeth all her life persecuted Lettice Knollys and Walter Devereux. Exile and death were sad proof of favours,) "whereby I doubt not, but the penitent suffering of my death, and sprinkling of my blood, will quench the evil conceited thoughts of her Majesty against me. And I do most humbly desire her Majesty that my death may put a period to my offences committed, and be no more remembered by her Highness. If I had ever perceived any of my followers to have harboured an evil thought

against her Majesty, I would have been the first that should have punished the same, in being his executioner ; and therefore, I beseech you, my good lord, mistake me not, nor think me so proud that I will not crave her Majesty's mercy with all my heart ; yet I had rather die than live in misery."

It remains now only for sentence to be passed, which is done by the Lord High Steward, the judge presiding, which is in the usual terms, that the prisoners be hanged, bowelled, and quartered.

As the court is clearing, and the peers leaving their places, the Earl of Essex said, "My Lord De la Warr, and my Lord Morley, I beseech your lordships to pardon me for your two sons, that are in trouble for my sake. I protest, upon my soul, they knew not of anything that was or should have been done, but came to me in the morning, and I desired them to stay, and they knew not wherefore. And so, farewell, my lords."

Farewell! a long farewell! yet with a noble act, well becoming the son of Walter Devereux ; it is still with remembrance of friends. This day he has shown himself his father's son. When that worst hireling and basest Judas, Bacon, turned on him and smote him to-day, he says not a word of past favours, makes no charge of ingratitude, utters no syllable of the services done him. He is silent on Bacon's ingratitude, as his father on Letitia's perfidy, and so proves himself more Christian than Roman.

CHAPTER XIII.

HAVING seen the Earl surrendered to an early grave, there are some few circumstances to note before proceeding to comment on Bacon's attack, on his name and fame; and before alluding to that 'Apology' which was intended to explain it, when Essex's friends came into power.

Anthony Bacon had continued a dependent and parasite on Essex's bounty, living up till March, 1600, at Essex House, when on the 20th of that month the earl was committed prisoner there under Sir Richard Berkeley. In May of that year a letter from the Earl of Essex to Anthony Bacon appeared in print. This missive had been written two years before, but was now published, as likely to be most injurious to the Earl's fortunes. It had the desired effect, and exasperated the Queen in the highest degree. This, it is only fair to presume, was a treason of Anthony's, in which, doubtless, Francis was an accomplice if not the abettor. They were kindred in amity and duplicity, with many dissimilar traits. Anthony, like Francis, seems capable of any craft or subtlety. They are each gifted with a "Manichean" subtlety. Of Anthony's life we know nothing, except as revealed in his correspondence; yet in this accidentally, proofs exist, that he was base and

traitorous. As an instance—in 1596 he wrote an anonymous letter to the newly-married Countess of Northumberland, the Earl of Essex's sister, assailing the reputation of her husband. It needs no extraordinary sense of honesty to perceive that this was an act of the basest and most despicable kind—no less cowardly than cruel and dishonourable.

With no independent biography to aid us, Anthony's character stands but partially exposed. His letters reveal, indeed, much of the temper of his mind, of his resources in diplomacy, his disposition for intrigue, his love of secret and indirect courses, as well as his very statesmanlike capacity. But in these he also appears his best. He seems at all times a gentleman somewhat indifferent in religious matters, leaning to Catholicism, subtle and secretive in manner and habits, somewhat given to light and loose company, spite of his lameness and ill-health. A polished man of the world, who is neither brave nor frank. His amours and vices are concealed from us. We see only his better and impassive half. He was not ambitious, therefore he had few of the unscrupulous necessities of his brother. But this letter gives us a glimpse, and a most unpleasant one too, that he was a dangerous man. Here it is :—

“ MOST HONOURED LADY,—

“ If I could digest any injury offered you, I would rather conceal that which I write than trouble you with other's folly, protesting I am as free from malice as to keep you from being abused. So it is that your lord hath gotten him a chamber at court, where one of his old acquaintance is lodged. What his meaning is I know not ; but you may perceive he bears small respect to you,

that will give occasion, if any will be so simple, as to think he can neglect you, for a ruined creature. Therefore, madam, support cheerfully yourself, with your wonted wisdom, and let them not unworthily disquiet your mind. Proportion your affection according to their deserts ; and consider that *we are not bound by virtue to love them that will unloose themselves by vice.* Thus much the honour I bear you hath inforced me to say. More I will not, for I am one devoted to your service, and do not conceal my name from shame or fear."

So do men's evil deeds arise and overwhelm them to men's eyes. The letter is not worth comment ; but it needs no discernment to see that here is the protestation of virtue, the assertion of love and honest integrity, the kindly interest that Francis so well knew how at all times to assume. Francis Bacon, judged by his own testimony of himself, was the warmest and truest friend Essex ever had. How are we to believe it? If his word is worth more than his brother's, he dissuaded him from all his false steps, interceded with the Queen, pleaded for his life, and turned aside her royal anger at his own risk. Let it appear in evidence it shall be believed. I will throw no doubt on his story, but I will not credit it. I must have corroborative evidence first. In this Anthony pretends to devotion, to honest interest, while doing the darkest deed of infamy of which a civilized man can be capable. The destruction of the sacred confidence 'twixt husband and wife is the blackest act in the category of Iago's frauds. But Iago was no friend to Othello. He makes no show of friendship. "We are not bound by virtue to love them that will unloose themselves by vice" is worthy the tempter himself. "By vice" is the point, vice is so obnoxious to the honest tempter. Now it needs no such argument, or

evidence, or suggestion ; but the point naturally forces itself on the mind—Did Anthony Bacon spy upon Essex? Did the now reigning Robert Cecil unite with Francis and Anthony to bring down their victim, to slay him by the very horns of the altar? It may be ; Cecil and Francis are henceforward sworn friends. Anthony dies off the scene, in 1601 probably. Whether there was complicity in these cousins cannot now be known. No letters of Anthony exist after his removal from Essex House. Deprived of the Earl's aid and resources he had already fallen into poverty. Soon after Essex's fall at court, Francis wrote a begging letter for money to the Queen, that he might get Gorhambury into his hands, which his brother is compelled to part with. Whether he turned Judas, and united with Francis in selling his patron to Cecil, is a point of suspicion. That he was capable of such an act, the letter to the Earl's sister is proof. Cecil displayed the utmost knowledge of the Earl's affairs. But these things have now and for ever fallen into oblivion, and it is mere folly to disturb a stagnant pool.

In 1598, the Earl was sent into Ireland for its pacification. He went in spite of the advice of his best friends. Bacon has asserted that he did most strenuously persuade him against the step, and as the letter is professedly written to dissuade him from remaining, it is probable that he did. Bacon was ever keen-sighted. The Earl, on the testimony of his enemies, and of those whose wish was father to the thought, and who hoped the worst was, that Essex was still only under a temporary cloud. We have seen that Bacon was still with him—did not withdraw till long after. It

was therefore Bacon's interest to keep him at court, where he had some influence, in preference to his remaining in Ireland, where he had little or none. It may well be, therefore, that Bacon most urgently opposed the journey.

Cecil, no doubt, facilitated it. He was one of the first to be informed and to report it to one of his correspondents. Essex had been very recently at feud with the Queen. She in August, as appeared in a letter from Sir William Knollys, in Birch, desired his proper deference and submission. This the Earl was unwilling to give. He was out of his element at court. He was better suited in every way for adventure and active service. Cecil had promised his aid to obtain him his wish for the viceroyalty of Ireland, and, it may well be believed, gave it with all his might and amity. The trip to Ireland cost Essex his head. However, it was Essex's desire; and his friend Robert Cecil, in helping him to what he wanted, was only doing a friendly act. A truce to the quarrel between the Queen and the Earl was therefore patched up in October. Mountjoy was talked of as Viceroy. Whether urged to it by others, played upon, or of his own free will, the Earl asked to be sent instead. The Queen hesitated and denied, as her custom was. Cecil added his entreaty, doubtless urging it by many sound reasons of state. In November, as early as the 6th, Cecil felt sure enough that Essex would be sent, to write to his friend Mr. Edmondes, that Essex would be chosen. Early in December he writes again, that the business is stopped, the Queen being averse. It was not settled till March the following year. In the end of March, 1599, he departed. Shakspeare, in the chorus of Henry V., act 4, expressed, no doubt, the general feel-

ing in allusion to the gallant but ill-fated nobleman, in these lines undoubtedly alluding to him,—

“Where now the general of our gracious empress,
As in good time he may from Ireland coming
Bringing rebellion broached on his sword?
I trow many would the peaceful city quit
To welcome him.”

It is unnecessary to follow his course there, other than with one exception of very severe discipline it was marked by his usual lenity and beneficence. On the 28th September he returned suddenly, as it was averred by his enemies, on a false alarm of the Queen's death, issued by her commands to try his constancy and fidelity. Her Majesty, at the first blush, received him most graciously and kindly. Before the day was out, however, other counsels, and perhaps other counsellors had stepped in, and she showed herself angry. The next day, Cecil called together all the enemies of the Earl to a dinner. On the 1st of October, Essex was committed a prisoner to York House. On the 21st the council recommended enlargement. He there became violently ill, whether by the same pernicious means that were then so freely used, that were so unscrupulously employed against Overbury, and that were said to have been successful against his father, Walter Devereux, does not appear. He was sick, almost to death, till far into January of the following year. On the 19th March he is removed a prisoner to Essex House under the care of Sir Richard Berkeley. On the 5th of June he is tried at York House before eighteen commissioners. Here, for the first time, Bacon openly declared against him. He seized an un-

guarded expression of the Earl's, which he attempted to torture into treason. The commissioners, spite of Bacon, incline to mercy, and recommend the Earl's enlargement. Worcester, one of the judges, cites two verses in giving his verdict:—

*"Scilicet a superio etiam fortuna luenda est,
Nec veniam, læso numine, casus habet."*

*"Heaven may cast us down in our fondest fortune,
And when a god frowns, neither necessity nor chance serve."*

In July his imprisonment is made more lenient. Promptly and immediately on the news reaching Bacon, he sends an abject letter of apology to the Earl for his scandalous defection. The mean letter and its magnanimous reply are extant. The Earl will not fly at such carrion, will not strike these kernes. In August, on the 26th, he is liberated. He remains, however, in complete disgrace with the Queen. An exile from the court and from office, and a ruined man. Broken in fame, health, and reputation, his enemies compassing him about and eager for his blood; the Queen vindictive, as was shown by his long imprisonment, without reasonable charge or accusation, and by his trial. Stung at last to desperation, hating life, heedless of consequences, the noble animal driven into the toils of the hunters leaps headlong upon destruction. His enemies find him fall an easy prey to their worst devices. He rushes madly where they would slowly drive. On February 8th, 1601, he makes his rash attempt at insurrection, the madness of the attempt being only to be estimated by its impotent conclusion the same day.

Here is, in part, Bacon's letter of July, 1600, excusing

his first open treason against his noble patron, and the Earl's reply :—

“ MY LORD,—

“ No man can expound my doings better than your Lordship, which makes me need to say the less. Only I humbly pray you to believe, that I aspire to the conscience and commendation of *bonus civis* and *bonus vir*, and that though I love some things better, I confess, than I love your lordship, yet I love few persons better both for gratitude's sake and for your virtues, which cannot hurt but by accident; of which, my good affection, it may please your lordship to assure yourself, and of all the true effects and offices I can yield, &c. . . .”

No attempt to excuse himself, but the ready protestation of service, the cheap and prodigal vow of affection, the prompt asseveration, the assumption of virtue, the pretence of service, and the always-at-hand flattery. Your flattery is a good and cheap salve, a cure-all and save-all with your man of wit.

The Earl answers :—

“ I can neither expound nor censure your late actions, being ignorant of all of them save one; and having directed my sight inwardly, only to examine myself. You do pray me to believe that you do only aspire to the ‘conscience and commendation’ of *bonus civis* and *bonus vir*, and I do faithfully assure you, that while that is your ambition ‘though your course be active and mind contemplative;’” (In other words, though his words and actions do not agree, the activity being against and the mere protestation for me;) “yet we shall both, *convenire in eodum tertio, et convenire nosipaos*. Your profession of affection and offer of good offices are welcome to me.”

What can be more magnanimous? No abuse, no re-
crimination, no assertion of the other's base ingratitude,

not an epithet, not a thought, no scorn, only the one sarcasm—keen as a Damascus blade, if the traitor have a soul to be struck (“though your course be active and mind contemplative”), and the quiet, calm, noble acceptance of cheap proffers, which he alike disregards and despises. For great as Bacon’s abilities are, they are more dangerous to those they serve, than those they contend against, more to be feared by friends than enemies.

In December there is a rumour that Essex will go into favour again; “letters have passed;” it is a mere rumour. Bacon cannot again correspond with Essex, after such a stinging reproach, a reproach which he can feel—for it takes wit to know wit—as acutely as any man. But early in December he writes to Lord Henry Howard to confute a report that he had advised the Queen to Essex’s ruin, to Essex’s entire destruction, and the confiscation of all his goods as a felon; in other words, that he advised the Queen that his offence fell under a *præmunire*, and even high treason (which is death and confiscation), in opposition to the Lord Chief Justice and the Attorney’s opinion. He attributes these rumours to envy, but does not think the public so entrenched in good opinion of him that they will be deemed improbable. He cannot be an unlikely man, or they would not have originated; if they are baseless, why need he fear? To the same effect he writes to Sir Robert Cecil, denying fully and emphatically that he has given such advice. The letter may have been written to be shown. Perhaps its averments are true, perhaps they are not. But true or not, even Cecil must consider it possible that he could be guilty of such an act. It contains this passage: “For as for any

violence offered to me, wherewith my friends tell me, to no small terror, that I am threatened, I thank God I have the privy coat of a good conscience ; and have a good while since put off any fearful care of life ; or the accidents of life." This is as it should be.

In estimating the character of Bacon, and of the possibility of his committing certain acts or crimes, we must be guided by the simple laws of legal evidence: the general testimony of his contemporaries is evidence as to repute, the concurrent testimony as to specific acts is absolute, and as good evidence as can be furnished of the time. D'Ewes, Carleton, Wotton, Weldon, Chamberlain, and others, give us a distinct insight into Bacon's general repute. This last letter shows that his behaviour to Essex has already excited indignation and animosity ; Weldon will, by-and-by, have reference to specific acts, which must be accepted. It neither becomes us to receive without question, nor to reject the evidence of contemporaries or immediately succeeding historians. We are bound to give to the testimony its proper logical weight. A disposition arises in modern times to reject old History and ingeniously out of hypotheses to fabricate new. Of the two, this is more unphilosophic than implicit faith. It needs no explanation to show why. It clearly is so. Now Wotton, in speaking of Anthony, declares that Anthony Bacon jewed the Earl out of Essex House ; that having secrets of the Earl's of a state kind in his hand, he threatened to betray him to the Cecils, and received a bribe of 1,500*l.*, and of Essex House at different times. The story is not inconsistent with Anthony's character. He was a deep and insidious plotter.

His letter to Northumberland is a proof of his nature. He lived at Essex House, and for some time seems to have been owner. It was redeemed, says Wotton, by Lady Walsingham, out of his hand for 2,500*l*. This is circumstantial. It is not corroborated. It is not inconsistent. It will not prove Anthony guilty, but it is entitled to provoke suspicion. Sir Henry, who is a most credible and trustworthy witness, and whose character is on all hands unimpeachable, avers, moreover, that Anthony received or drew out of Essex, besides this 4,000*l*., at least 1,000*l*. of annual pension out of the earl, "and this, too, a private and bedridden gentleman. What would he have gotten, if he could have gone about his own business?"* What indeed, Sir Henry! He died, thinks Birch, in 1599; I think later, in 1601 or 1602: he was certainly dead before James came in in 1603, for Bacon contrived to get, in June of that year, a pension out of the King for his brother's services, and likewise to urge that he had toiled himself or tasked himself above his strength for the king's service, so that he might found on them a claim for reward to himself. The Earl seems to have had little correspondence with him of late years; from 1597 or 1598 none whatever.

There are in the 'Resuscitation' some letters which, being undated, it is impossible to assign accurately. I have therefore thought fit to exclude them. If written in the year 1600, they tell against Bacon, as proffers of friendship to the restored Earl. If written before, they are of a part with the rest.

* 'Parallel between Essex and Villiers,' by Wotton, 1641, p. 6. See Appendix.

In addition to Francis's letter to Lord Henry Howard and to Sir Robert Cecil, he addressed the Queen on the same subject, making capital out of the threats against his life. "My life has been threatened and my name libelled, which I count an honour;" he "takes his duty too exactly, and there be some who fall a reckoning how many years her Majesty has reigned." His letter to Lord Henry Howard speaks explicitly of a ruffian who has threatened his life: he alludes to the same report, but denies, on the ground of improbability, that he should give an opinion contrary to the law of the case. "Resisting the imputation emphatically," he attributes it to envy. He is "much bounden" to the Earl, and pleads, moreover, that he has "spent more thoughts and time about his well-doing than ever I did about mine own." Lord Henry Howard answers:

"You were the first that gave me notice of the rumours, though within two days after I heard more than I would of it. But as you suffer more than you deserve, so I cannot believe what the greedy malice of the world hath laid upon you. The travails of that worthy gentleman in your behalf, when you stood for a place of credit, the delight which he hath ever taken in your company, his grief that he could not seal up assurance of his love by parts, effects, and offices, proportionable to an infinite desire," &c. &c.

The Earl has been in such confirmed ill-health from the time of his return from Ireland till February, 1601, when he makes his rash attempt, that his life has been more than once given over by his physicians, and he has been once tolled for as dead. He has been a prey to pro-

tracted disease for more than twelve months. On the 13th December, 1599, my Lady of Essex having leave to visit him, found him so weak that his strength being gone, he is laid out on sheets, and little hopes of his recovery. On the 15th, eight physicians send in writing to the queen a written opinion "*salus magis optanda quam speranda fuit.*" On the 5th July, 1600, Rowland White writing to Sir Robert Sidney, says, that Essex is sick of an ague and sees nobody but Lady Essex. On the 26th August, 1600, the Queen gave him his liberty officially, but could not see him. He writes, "Words, if you can, express my hearty thankfulness, but press not, sue not, move not, lest passion prompt you, and I by you both be betrayed." On the 9th September, and possibly about this time, he writes the lines—

"Happy were he could finish forth his fate
In some enchanted desert, most obscure
From all society, from love, from hate
Of worldly folk ! Then would he sleep secure ;
Then wake again and yield God ever praise.
Content with hips and haws and brambleberries,
In contemplation passing still his days,
And change of holy thoughts to make him merry.
And when he dies his tomb may be a bush
Where harmless robin* dwells with gentle thrush."

In October Chamberlain writes that his friends still hope that he will be restored to fame, but he believes it not, till he see some substantial proof. November 17th, Essex writes again despairingly, touchingly. Sir John Harrington† says: "He shifteth from sorrow and repentance to rage and rebellion so suddenly, as well proveth him de-

* An allusion to his own name, Robin, his designation with the Queen.

† Letter 129. Bouchier, 1853. 'Nugæ Ant.,' 179.

void of good reason, as of right mind. His speeches of the Queen become no man who hath *mens sana in corpore sano*. He hath ill advisers and much evil hath sprung from this source. The Queen well knoweth how to humble the haughty spirit; the haughty spirit knoweth not how to yield, and the man's soul seems tossed to and fro, like the waves of a troubled sea." It needs not here to go at length into an argument on the point, but it is clear from an expression in a letter to his wife written from Ireland, that he had no thought of treason then; that he retained his affection and loyalty to the Queen even to the last, but like many men of headstrong temper and strong will, was not without some intention, if fair measures failed, to try desperate courses, or, at any rate, to aim at insurrection. That he intended any hurt to her Majesty's person, no one can suppose conversant with the details of the scheme. About Christmas, 1600, he collected the Puritan party about him, who had always looked to him as their champion, by having sermons preached at Essex House by eminent Puritan divines. In January the plotters met at Drury House, the residence of the Earl of Southampton, to concert measures. Their avowed intent was to secure access to the Queen, and so, as it were, by menace and show of power, to wring from her the Earl's pardon, to remove his enemies, and call a parliament.

On the 7th of February, the court, being well apprised from the first, sent Mr. Secretary Herbert to Essex to desire him to appear before the council to admonish him. This, and an anonymous letter, received probably the same day, desiring him to seek his safety in flight, precipitated measures. He immediately called a council of his friends.

That night of Saturday was spent in summoning all engaged in the enterprise. Of the assemblage the day prior the Council had been informed, and of the intended descent on the City ; and orders were therefore issued by the Queen to the Lord Mayor that no sermon should be preached, as usual, at St. Paul's Cross ; that the citizens should keep their houses, and be in readiness to help her cause, if need be ; that treason was contemplated ; and that four of her ministers were next morning early to seek the Earl and demand his grievances, and the cause of this sudden mutiny. The Earl's clear course should have been to have dispersed his followers and have escaped. But either he was mad, or weak enough to trust to the advice of his enemies. On the testimony of Sir Henry Wotton and Birch, his secretary Cuffe is declared to have instigated his turbulent courses.* Cuffe was a likely man ; he had been disgraced at college for his turbulence and insubordination. Sir Henry Wotton speaks of him with great disrespect. It is barely possible he was a tool or agent of Cecil's. He had been dismissed recently, and taken back by the Earl, at the instance of Southampton.† His hanging afterwards was no proof of his innocence. He was, perhaps, hanged for his insincerity. Politics were unscrupulous, and the services of an agent over, he was sometimes executed, because dead men tell no

* See Blount's confession in Bacon's pamphlet.

† Birch says, Vol. II., 'Memoirs of Elizabeth,' p. 462. "He [Cuffe] had been discharged some weeks before the Earl's fatal irruption into the City, by his lordship's special command, from all further attendance or access to him, out of an inward displeasure which the Earl had then conceived against the dangerous tendency of Cuffe's suggestions and counsels."

tales. Either Bagot or Montgomery were spies; Mont-eagle, too, possibly. Georges, there is every appearance, betrayed the scheme to Raleigh. It was on Leigh's and Cuffe's advice, undoubtedly, that Essex acted and fell.

Mr. Dixon, reviling Essex, stigmatizes his insurrection as a Popish plot. To convert Blount into a Papist, and make him a leader, is simple enough. He was a Catholic. The Historian is, as usual, proudly "independent of facts." He declares Blount was at Barn Elms, when he was quietly living with his wife at Drayton Bassett—that he was filling Essex House and Barn Elms with conspirators, at a time that he was perfectly ignorant of the whole affair, and when it is absolutely certain he was elsewhere. Blount was Essex's father-in-law, so far and no further interested in his designs: till the 20th of January he was ignorant of the Earl's scheme. On the scaffold, speaking then with the axe about his throat, he declared solemnly "that God alone knew how much he had dissuaded Essex." It must be obvious to any person ever so slightly informed in the Earl's habits, that to charge Blount with ruling or leading Essex is as absurd as to charge Essex with leading Bacon or *vice versâ*. He was a follower only. Standing high in the Earl's favour as a brave knight and true soldier, which, spite of Mr. Dixon's gratuitous calumnies, his life and death showed him, but not otherwise honoured or considered. The Earl was the pillar of the Protestant cause. How, then, could it be a Popish plot? The political interests of the extreme Protestants (that is, the Puritans) and the Catholics, were then, singular as it now seems, a common cause. They

were persecuted. They were the victims of a strong and bitter oppression. Essex was the notorious enemy of Spain, the head of the Catholic cause. He was the friend of the Protestant league in France. He was united to James almost wholly by his hatred and fear of the Catholic succession and the tie of Protestantism; and we may, therefore, promptly despatch all this new picturesque and mythical account to the limbo of useless creations and of mendacious things. Here is the lively narrative:—

“When free to plot, Essex, in the secrecy of his own house” (this sounds prettily; Mr. Dixon would describe Essex probably as dining in the secrecy of his own house), “and in open breach of loyalty and honour, renews the intrigue with Rome.” (What intrigue? when did it exist?) “Blount returns from Drayton Bassett (Nov., 1600, says Mr. Dixon) to crowd Barn Elms and Essex House, the Earl’s head-quarters, in or near London, with the most desperate of his Papist gangs.” (How very picturesque, for a man who did not bring a single adherent to the cause that the historian can show.) “Mad at their loss of time, they propose to do without an army what they failed to do with one.” (This is a figure of speech; they never had an army; but this is rhetoric.) “Enough, they say, to raise a troop, to kill Raleigh and Nottingham, to seize the queen by force, and summon a parliament of their own. Essex shall be swept to the throne by a street fight, and an act of assassination.”

This is, of course, rhodomontade. I say of course, because all the book is in strict consistency. Essex never conceived, and therefore never renewed, an intrigue with Rome. Blount had no gangs. No act of assassination

was premeditated. This is the writer's own imagining. New history. To the last, all the conspirators, repeatedly subjected to the severest examination while in prison, and in fear of death and of torture, protest that Essex's only intention was to sue to the Queen. Urged on the scaffold, at the solemn moment before they are launched on that endless journey from which there is no return, and when, as man believes, his soul will stand before its Maker, face to face, the solitary admission wrung from one man is barely to the effect that, if hard driven, they might have done violence to the Queen. The premeditation of an act of assassination is a mere invention. The assertion "that the miscreants were wholly Papists" is as false as the rest. Not a third were Papists, probably not a tithe of the entire number.

"They mean to kill the Queen : a palace murder if she resist them, a Pomfret murder if she yield," says the same scrupulous authority. Here is the reason : "Is Blount less bold than Piers of Exton? Is Essex more squeamish than Bolingbroke? Equal reasoning on similar premises would clear up the Waterloo Bridge mystery, and convict the editor of the 'Athenæum' of the whole crime. He vilifies Blount by calling him an impenitent ruffian. If this were true, it would not be courteous to a brave soldier, or become the Muse of history. But being most untrue, it is pitiful. Blount's end was noble and manly, becoming a knight whose courage no man could impeach. It is impossible to read the narrative, even in the dry-as-dust details of the State Papers, without hearty sympathy, and even sorrow. At this point, moreover, Mr. Dixon drags in a statement made by one Valentine Thomas, to substantiate

the position, which has as much to do with the Essex Plot as with the Chartist movement of 1848. It is the declaration of a man that he had been bribed by the Scotch king to assassinate Elizabeth. Elizabeth herself never believed it. It has been always accepted either as the statement of a scoundrel anxious to ingratiate himself, or as a ruse adopted to injure the King of Scotland in the Queen's eyes. The council disbelieved the statement altogether. They treated it as an invention of Thomas. He was never punished. It is here basely dragged in to serve a nefarious purpose. Georges is called "a brave and loyal gentleman." Wherefore? He was a spy at worst; a coward and a rascal at best. He either came to Essex House to assist the Earl, or betray him. If to assist, he was the first to fly the danger, and make terms for himself. If to betray him, his guilt is the blacker. He was at the time declared to be the denouncer of the plot. Was looked upon as a traitor to the cause. If evidence can prove him otherwise, it will suffice.

CHAPTER XIV.

IT is of infinitely more importance to posterity to know what manner of man a certain illustrious hero or man of mark was, than to be informed accurately on every petty detail of his life. It more concerns them as touching his estimation : it more concerns them as touching history. Whether Bacon was temperate or dissolute, loved or hated women, was prodigal or mean in his expenditure, matters little except to illustrate an argument. The greatest men have madly loved, the greatest men have been cold as ice. Some heroes have been prodigal, some miserly ; some have been temperate, some violent in intemperance as in all else. So far as such traits are illustrative, they are valuable ; so far as they are not illustrative, but mere detail, they are objectionable. It matters, therefore, little to history, little to men, what are the petty details of Bacon's life. We are confessedly, necessarily, ignorant. We are, it is true, ignorant of that which would interest, charm us, attract us the most, for the domestic and familiar are of more immediate vitality to us than the non-familiar and public, but for all present purposes we know enough.

Under James I., let it suffice to say, Bacon, by obsequiousness and servility, has secured favour. It will be his art, his endeavour, to keep it. It can only be done by base and abject servitude. Bacon will undertake it. With Elizabeth the case was different. Save and except the flattery and homage due to the sex, the port and mien of a man were necessary. Bacon, albeit the task was hard, faced it. His letters to Elizabeth, even his begging letters, are not so abject as those to James, none of them. James demanded the utmost show of deference. As he felt his weakness, he desired the show of strength. Being a coward, he would have it seem that he was feared. This was necessary to inspire himself with confidence. A brave man is willing to meet risks as they appear. A coward will always, must always, seem secure, and even deceive himself with false hopes to allay his fears. Henceforth, Bacon will be the most obsequious among the servile. By his servility he will rise, as we shall see, to be Lord Chancellor. But the ascent, even to servility, will be slow and painful.

We have discovered already Bacon's infirmity. There needs no accumulation of evidence upon that point. The precise measure and depth of it, however, that are to constitute him "the basest of mankind" is yet unfathomed. It is to be found, perchance, in his attack on Essex's character, and in his *Apology* for that attack and recantation, when Essex's friends came into power; or perchance in Peacham's case; or perchance in his entire attitude towards the people of England, as the paid and prostituted servant of an unconstitutional king; or perchance, in his abetting of Sir Giles Monpesson and Sir Francis Mitchell;

or his defence of Benevolences ; or his bribery as a judge. Into these points we will therefore inquire. Bacon's public life has no good side to it, and with his public life we are alone concerned ; for the problem is still " wisest, meanest of mankind ;" and are the two compatible ?

Essex being executed, Bacon issues the same year a pamphlet, being ' A Declaration of the Practices and Treacheries attempted by Robert, late Earl of Essex, and his complices, against her Majesty and her Kingdoms.'*

He, in this pamphlet, attempted to prove what the evidence at the trial could not prove—that Essex aimed at the crown ; that he had long plotted to take the Queen's seat ; that he never loved virtue nor valour in others, but where he thought he should be proprietary and commander of it ; that his courtesies were like Absalom's, with intent to treason, charging him with being in league with the Irish ; that he had feigned humility to the Queen the better to draw her into his toils, to make her Majesty secure, and lull the world asleep ; that he had profaned religion by turning inside to the Catholics and outside to the Puritans the better to beguile them ; that a sufficiently overt act of treason had been shown at the trial to justify his conviction, which is doubtful, for at no time was the Queen's life menaced, for Sir Christopher Blount, in his last moments, emphatically said, " In none of our consultations was there any such purpose, yet I know and must confess, if we had failed of our ends, we should have rather than have been disappointed, even have drawn blood from herself." So that it was an act only in possibility and not in contemplation, and the evidence, according to modern

* Printed in Montagu, vol. vi., p. 299.

legal usages, would not have proved even that. In opposition to this, and with great untruth, Bacon in his pamphlet declared that the Queen's life was aimed at and plotted against at Drury House ; while certainly what was contemplated at Drury House was never carried out, and Essex, moreover, was not present.

The pamphlet, beyond this, attempts to prove that Cecil had framed to overthrow the Earl ; that the Earl of Essex had plotted with the Irish to overthrow the throne. The evidence adduced was the unsupported statement of two or three wretched informers, not concurrent, but to the effect that the " Earl was with the Irish, and in their behalf ;" that one of the deponents had heard that the Earl would be king of England, depositions taken twelve months before, and only brought forward at the trial to ruin the Earl, and to back up the false swearing of a notorious spy. Beyond this, the declaration that Essex at his execution " did use vehement detestation of his offence, desiring God to forgive him his great, his bloody, his crying, and his infectious sin, and so died very penitent, but yet with great conflict, as it should seem, for his sins."

There was, it does not need to be declared, no duty imposed on Bacon to disseminate this tract—no need in him to write it. Like his advocacy, it was a gratuitous service, given because no man else was at hand base enough to undertake it ; because he hoped to gain favour with the Queen ; because he wished, to some extent perhaps, to justify himself by slander to the people. But the measure of his iniquity was not complete. After James came to the throne, he published a recantation to ingratiate himself with the king. A pamphlet which utterly re-

pudiates, not merely his treason to Essex, but disclaims "the declaration of the treasons and practises." Pistol himself eats not his leek with more appetite. It is in the form of a letter addressed to the Earl of Devonshire, Lord Lieutenant of Ireland.

In this 'Apology,' for the first time, he discovers grief for the fortune of Essex, and sets forth how deeply he worked with the Queen to procure Essex's reinstatement in her Majesty's good graces. He declares "that he knit Anthony's service to be at the Earl's disposing," which was contrary to the proof, and certainly in opposition to Anthony's statement. That he had at all times advised with the Earl for his good, and pleaded with the Queen in his behalf, all of which being unsupported testimony, not corroborated by facts, but to some extent disproved by known truths and circumstances, as well as being the exceedingly interested statement of a most unprincipled man, must be taken at their worth.

In this declaration he, as usual, is prompt to show his own exceeding virtue. "For every honest man that hath his heart well planted will forsake his King rather than forsake God, and forsake his friend rather than forsake his King; and yet will forsake any earthly commodity, yea, and his own life in some cases, rather than forsake his friend." Again: "I protest before God" I did not enter service with my lord of Essex "as the likeliest means of my own advancement, but because I loved my country more than answerable to my fortune; and I held at that time my Lord to be the fittest instrument to do good to the state."

Such are the ways of courtiers, such is the attitude of a man who will rise, spite of honour, honesty, or truth, and who is ambitious to be great.

Well may the Psalmist desire the middle course, and neither poverty nor riches.

In 1601, in October, after Essex's death, Elizabeth called her last Parliament. Her life is fast ebbing away. All historians nearly have concurred in declaring that Essex's death sat heavy on her soul, and that she never recovered it. Some persons have affected to doubt this, but without reason. Mr. Dixon, of course, will settle the matter. The Queen at once decided on Essex's death—would have him executed, and cared nothing for him. If the facts are against such an inference, it is unlucky for the facts, not for the positive conclusion. Facts must give way. The Queen did show much indecision about his punishment; pined away after his execution; seemed to know no peace of mind after. There exists abundance of trustworthy testimony as to her grief, indecision, and misery before, and as to her violent sufferings, after his death. Unhappy sovereign! she was much to be pitied, for she was a mere tool in the hands of Cecil, Raleigh, Nottingham, the Earl's enemies.

In October, 1601, Sir John Harrington says: "The Queen was reduced to a skeleton; altered in her features; her taste for dress gone; nothing pleased her. She stamped and swore violently at the ladies of the court, whom she tormented beyond measure. In December, 1602, being with the Queen, she asked him if he had ever seen Ty-rone. He answered that he had once seen him with the

lord-deputy (Essex?). She looked up with grief and choler in her countenance,* and said, in substance, 'I recollect you saw him elsewhere,' and, dropping a tear, smote her bosom." In May and June, 1602, the Queen told De Beaumont that she was tired of life, that nothing now contented her. She talked to him of Essex with sighs, almost with tears. De Beaumont, finding the conversation moved her so much, changed it. Birch quotes a letter in the Advocates' Library, Edinburgh, which has this passage: "She sleepeth not so much by day as she used, neither taketh rest by night. Her delight is to sit in the dark, and sometimes with shedding tears to bewail Essex." In the State Paper Office there is a letter by Chamberlain, which substantiates the position that she died from grief, and not from decay of nature, March 30, 1603. "I find her disease nothing but a settled and irremovable melancholy."

Poor Queen! she obstinately refused medicine, though told it would cure her. She settled down into sad and gloomy silence. Like Dido, already wandering among the shades, with a persuasion that if she lay once down she would never rise. Here is an account in French, said to be a postscript of Sir Dudley Carleton's: "Ont quelque autre repentement secret, que l'on attribue au regret de la mort du feu Comte d'Essex, l'eussent esmené à la chercher ou désirer elle-même. Quoy que ce soit, c'est la vérité que des lors qu'elle sentit atteinte, elle dict en vouloir mourir."

On the 9th of March the Countess of Nottingham died. The Queen took her death much to heart. On the 24th

* 'Nugæ Antiquæ,' 1, 322, vol. ii. 506.

of the same month her mistress followed her, never having rallied since that lady's death.

On the 27th of October, 1601, parliament was called. Bacon is elected for Ipswich and St. Albans, but "maketh choice to stand" for Ipswich, another burgess being appointed for St. Albans. On the 5th November he introduces a bill "for suppressing deceits in weights and measures," which, on a second reading on the 7th, was quashed. This is his concession to popularity. But in this Parliament he bids high for the Queen's favour. He is no longer the tribune of the people; no longer opposed to subsidies. He will go further in servitude than the boldest. The supply to the Queen is greater than ever was suggested before, but Bacon will support it. No talk of selling pots and pans. The poor and the rich must equally pay. He ridicules the idea of exempting the poor, the three-pound men. His answer is "*dulcis tractus pari jugo.*"

Sir Francis Raleigh is the proposer of the subsidy; he is to some extent the friend of Bacon, but he cannot forbear a sarcasm on the altered tone of the member for Ipswich. He answers Bacon with two shafts out of his own quiver. "'*Dulcis tractus pari jugo,*' says an honourable person. Call you this *par jugum*, when a poor man pays as much as a rich? and, peradventure, his estate is no better than he is set at; when our estates, that be 30% or 40% in the Queen's books, are not the hundredth part of our wealth; therefore it is not *dulcis* nor *pari.*"*

But in this parliament arose a debate on a comparatively new word, "prerogative," which within the next twenty

* D'Ewes, 633.

or thirty years will be heard frequently enough. The word is old enough in origin, but has fallen into disuse. It means little more than arbitrary dispensation with the law. During the next few years it will be heard again and again, when men wish to overturn the law, or override justice with authority. Bacon at once displays his altered sentiments toward Majesty. The question of prerogative, of the sufficiency of the Queen's dignity to absolve her from legal responsibility, is to arise on a scandalous abuse, which has grown within the last thirty years to a pernicious and dangerous extent, viz., of granting licences, patents, or monopolies for the manufacture of certain goods, for their importation and sale. In place of rewarding a favourite, as was possible in feudal times, with a castle or grant of land, from which some hereditary enemy, or some weak vassal or widow was dispossessed, the Queen now, since the sixteenth year of her reign, has granted licences to plunder her people; but in a perfectly civil and authoritative form, which has been, in consequence, submitted to. Thus Essex had been permitted to retail all the currants consumed in the realm, taking toll to the tune of more than fifty per cent.

The evil is not yet brought sensibly home to the population; for while the infliction is in gross, it is not regarded. If the tax-gatherer stood at the door of each petty shop, and demanded, with show of authority, fifty per cent. on every purchase after it had been completed, there would have been riot long enough. But the truth is slowly permeating the population, that the use is in itself an abuse of power—that it is made even more scandalous in practice than in principle;

the monopolists perverting the law to their own ends, by means of general warrants, which enable them to commit men to prison, or deprive them of their goods, without trial. The tyranny has become unbearable. By-and-by the word "monopoly" and the word "prerogative" coupled together will shake a Kingdom to its base; for in this Parliament of 1601, in this debate on monopoly, in this speech of Francis Bacon's, is the little cloud no bigger than a man's hand which will presently compass the whole of this Empire of England. For here the motion is, for the first time, to proceed by bill, not by petition—to arrogate a right to legislate, not to ask as a favour. It is the first of a long series of absolute conflicts in parliament, which shall end in a King executed at Whitehall, in the assertion of a whole people of a right, above the right divine of Kings, and in a precedent for the universe.

Debates touching the Royal prerogative have occurred before. But never since the Tudors came to the throne has so fierce an attack been made in the cause of justice and liberty, on the usurpations of the crown. This is a debate, of which the conclusion shall be the Petition of Right, the Bill of Rights, the Habeas Corpus Act, the Act of Settlement; for all these have at their basis the right of every man to be exempt from arbitrary exaction, and the assertion of the 29th Chapter of Magna Charta, the 9th of Henry III., "That no free man is to be imprisoned, or injured, or disscised, that is, deprived of his goods or chattels, without a trial by his equals."

Mr. Spicer, the member for Warwick, is the first to rise. "This assembly has a free mind and a free tongue. What is a monopoly? A restraint of anything public to

a private use. The substitutes (deputy monopolists licensed by the great monopolist or his agents) had been to Warwick and called every man, who sold aqua vitæ and vinegar, to the council chamber, stopping the sale of both these commodities. The Queen's warrant gave four months' liberty to the subject to sell both vinegar and brandy, but within two months this substitute comes down, and instead, moreover, of taking them before a justice of the peace, to be bound in their recognizances, he taketh a private bond, retaining power in his own hands to kill or save. Her Majesty's commission being transgressed, as a sworn servant to her Majesty, I hold myself bound to certify the house thereof."

Straightway Mr. Bacon rises: the injustice, the cruelty, the subversion of law have no enmity in him. He hopes the prerogative of the Queen will never be discussed. The Queen can set aside verdicts in criminal cases.* "I say, and I say again, that we ought not to deal, to judge, or meddle with her Majesty's prerogative. I wish every man, therefore, to be careful in this business." In the course of his speech he suggests that the Queen should be petitioned; that whereas this was a bill, and that the use hath ever been to humble ourselves before her Majesty, concluding by protesting that he did his duty to the Queen by speaking in her behalf, and in protesting that he had also "delivered his conscience" "in saying what he had said"—that very Joseph Surface-like conscience.

* By a "Non Obstante," reversing the decision. D'Ewes, 643. In the 'Parliamentary History,' p. 925, the report is more full, and Bacon alludes to himself as the Queen's Attorney-general, and therefore bound to this course.

Several speakers rise in succession to declare the enormity of the abuse. Mr. Francis Moore, a very active member of the House, and one of the ablest men of business of the day, who has even more than Bacon the ear of the House, declares that monopolies bring the general profit into a private hand, and the end of all is beggary and bondage to the subject. "And to what purpose is it to do by parliament when the Queen will undo the same by prerogative?"

Mr. Martin is even stronger. "I do speak for a town that grieves and pines, for a country that groaneth and languisheth under the burthen and unenviable substitutes, to the monopolists of starch, tin, fish, cloth, oil, vinegar, salt, and I know not what. The principal commodities, both of my town and country, are ingrossed into the hand of those bloodsuckers of the commonwealth." Sir Walter Raleigh, who "blushed" when one of the speakers, Mr. Bennet, alluded to a monopoly of cards, which was one of those he held, rises to defend the monopoly of tin, which, as Lord Warden of the Stannary, he held. He also charges, with his usual tact, that an imputation of slander has been cast upon her Majesty, trying by this means to silence the opposition. The ruse having so far the effect, that no one rises for some time after he has taken his place, till one of the members, Sir Francis Hastings, rose to express a hope that anything that had been said amiss should be attributed rather to hastiness than want of duty. In the afternoon of the following day, Saturday the 21st, the House met in committee.

Sir Edward Hoby, Bacon's relative, opens. Salt, in his county, that was wont to be sold at sixteen pence a

bushel, is now sold for fourteen or fifteen shillings ; but the Lord President, on complaint, had committed the patentee, and it had fallen again to the old price.

Mr. Francis Bacon.—"The bill is very injurious and ridiculous ; injurious, in that it taketh, or rather sweepeth away her Majesty's prerogative ; and ridiculous, because it does not extend to corporations."

On the 25th November, so unanimous and so much in earnest was the House, that the Queen gave notice the monopolies should be revoked. During the discussion several violent scenes of passionate debate and earnest expostulation had taken place, which were a presage of some that were to follow on the same subject hereafter. The excitement, both within and without doors (spite of there being no reporters), was very great, the members who had stood up for Prerogative being coughed down, and the cry being raised out of doors, "God prosper those that overthrow these monopolies ! God send the prerogative touch not our liberty !"

In annulling these obnoxious patents, the concession made by royalty was made so handsomely, the revocation was so graceful and entire ; her Majesty protesting that she was as much obliged by her servants' care, and gratified as they could be, that it stripped this great triumph of Parliament, of half of its honours of conquest. Otherwise it was the greatest and most signal manifestation of parliamentary and constitutional power, during her reign—the chief victory even in the space of more than a century.

The evil aimed at was monstrous. It was comparatively of modern growth. For though similar grants had

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indeed almost every element
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CHAPTER XV.

ESSEX has been now two years and more dead. He is as good as forgotten. The Scotch King has come to the throne. Bacon's courtiership must now turn. He prosecuted Essex for plotting with Scotland; and now, by a turn in the wheel, Queen Elizabeth is dead, Scotland and James are triumphant. Something must be done to remedy mistakes, and that promptly. Essex is thought by James to be his martyr; but Essex cannot be raised to life. So the shifting courtier sits down and writes. Whom shall he address?

There is a Mr. Fowlys, or Foulis, afterwards Sir David Foulis of Ingleby, a favourite of King James, an old correspondent of Anthony's, a man great at James's court, and who is sent with letters, being a person of trust, to the various lords of the privy council. He may be useful to him. Bacon writes, March 23rd, 1603:—

“SIR,—

“The occasion awaketh in me the remembrance of the constant and mutual good offices which passed between my good brother and yourself; whereunto (as you know) I was not altogether a stranger. But well do I bear in mind the great opinion which my brother (whose judgment I much reverence) would often express to me of

your extraordinary sufficiency, dexterity, and temper, which he had found in you in the business and service of the king, our sovereign lord. This latter bred in me an election, as the former gave an inducement for me to address myself to you, and to make this signification of my desire, towards a mutual entertainment of good affection and correspondence between us ; hoping that both some good effect may result of it, towards the king's service ; and that for our particulars, though occasion give you the precedence of furthering my being known, by good note unto the king, so no long time will intercede, before I, on my part, shall have some means given to requite your favour, and to verifie your commendation. And so, with my loving commendations, good Mr. Foulis, I leave you to God's goodness. From Gray's Inn, the 27th of March, 1603."*

Let us analyze this letter for a moment. The occasion reminds him of the services done by his brother for the King, no less than of his friendship with Mr. Fowlis ; yet he has helped meanwhile to bring Essex to the scaffold for those very services. He then proceeds grossly to flatter Mr. Fowlis, and presently to work on his cupidity or selfishness, particularly indicating how he may be served, by being made of good note or repute with the King, and that on Mr. Fowlis accomplishing so much, Bacon will requite him. It would be hardly possible to pen a meaner or more base epistle. But this is not enough. Before to-morrow has passed he launches another :—

"SIR,—

"I did write unto you yesterday by Mr. Lake (who was despatched hence from their lordships) a letter of reviver of those old sparks of former acquaintance

* Three days after the Queen's death. Montagu dates this letter the 25th, or the next day.

between us, in my brother's time; and now, upon the same confidence, finding so fit a messenger, I would not fail to salute you; hoping it will fall out so happily, as that you shall be one of the king's servants, which his Majesty will first employ here with us; where I hope to have some means not to be barren in friendship towards you.

"We all thirst after the King's coming, accounting all this but as the dawning of the day, before the rising of the sun, till we have his presence. And though now his Majesty must be James Bifrons, to have a face to Scotland as well as to England, yet "*Quod nunc instat agendum.*" The expectation is here that he will come in state, and not in strength. So for this time I commend you to God's goodness. 28th March, 1603."

Here he shows his hope that Fowlis will be one of the King's servants. The phrase "come in state, and not in strength" will do good service again. In the life of Henry VII., written to please James, he uses the same phrase to flatter James indirectly in the person of his wise ancestor. He takes up his pen and writes to Sir Thomas Chalmer, the tutor of King James's eldest son, Prince Henry, begging him, turning the esteem in which Bacon holds him to "further his Majesty's good conceit and inclination towards me;" although occasion gives precedence to Sir Thomas in the power to do good offices, "yet he will requite him." Then to Mr. Davis, a favourite of King James, afterwards Chief Justice of the King's Bench, commending himself to Mr. Davis's love and all those "good offices which the vivacity of your wit can suggest to your mind." Then to Mr. Robert Kempe; then to the great Earl of Northumberland, offering his pen and service; then to the Earl of Southampton, who is still in the Tower, "presenting his humble service," and assuring

his lordship that, doubtful as it may seem, "it is true as a thing that God knoweth" that no difference is wrought in him by the change of affairs, than that "*I may safely be now, that which I was truly before,*" and signing himself "your lordship's humble and most devoted." No degradation is, in truth, too great; the lowliest he will apply to, even those whom he has most deeply injured.

He proceeds in his labours, for his energy is unailing, and writes to every one, friend or foe, whom he believes, directly or indirectly, can procure him advancement, deterred neither by chance of rebuff, by the indecorum of pressing a suit on persons he has wronged, or by the ignominious character of the person whose aid he seeks. Among the letters thus preserved, are a letter to the Earl of Northumberland, to Lord Kinloss, to Morrison, a Scotch physician, and to his Majesty himself, lauding his glories to the skies; to the Earl of Salisbury, presenting a book ('The Advancement of Learning'); then to the infamous Pander the Earl of Northampton (also with a book), declaring the new monarch the most learned King that ever reigned, and noble as the Edwards, and this with protestations of affection to a peer who was privy to the Overbury murder, who held the candle for Somerset to debauch his own grand-niece, the Countess of Essex, wife of the third Earl, to gain his own ends and advancement—a courtier equal to Bacon's self in duplicity and craft. Unluckily, these letters bear no date, so that we can only approximately declare that they were written promptly on the accession in 1603. His letter to the king is a masterpiece of policy:—

BACON'S LETTER TO THE KING ON HIS ACCESSION.

"It may please your most excellent Majesty,

"It is observed upon a place in the Canticles by some, 'Ego sum flos campi et lilium convallium' that a 'dispari,' it is not said 'Ego sum flos horti, et lilium montium,' because the majesty of that person is not enclosed for a few, nor appropriate to the great. And yet, notwithstanding this royal virtue of access, which nature and judgment hath planted in your Majesty's mind, as the portal of all the rest, could not of itself (any imperfections considered) have animated me to have made oblation of myself immediately to your Majesty, had it not been joined to a habit of the like liberty, which I enjoyed with my late dear sovereign mistress—a princess happy in all things else, but most happy in such a successor. And yet farther, and more nearly, I was encouraged, not only upon a supposal, that unto your Majesty's sacred ears (open to the air of all virtues) there might come some small breath, of the good memory of my father, so long a principal counsellor in your kingdom; but also by the particular knowledge of the infinite devotion and incessant endeavours (beyond the strength of his body and the nature of the times) which appeared in my good brother towards your Majesty's service." (This, insomuch as we have seen, that one of the charges against Essex which Bacon pushed upon him, was service to the Scotch king, is a bold stroke, especially founding his brother's illness upon it, or making claim by it, but the next stroke is a bolder.) "And were, on your Majesty's part, through your singular benignity, by many most gracious and lively significations and favours accepted and acknowledged, beyond the merit of anything he could effect, which endeavours and duties, for the most part, were common to myself unto him, though by design as (between brethren) dissembled. And therefore, most high and mighty King, my most dear and dread sovereign lord, since now, the corner stone is laid of the mightiest monarchy in Europe; and that God above, who hath a hand in bridling the floods and motions of the seas, hath,

by the miraculous and universal consent (the more strange, because it proceedeth from such diversity of causes in your coming in) given a sign and token of great happiness in the continuance of your reign ; I think there is no subject of your Majesty's, which loveth this island, and is not hollow and unworthy, whose heart is not set on fire, not only to bring you peace offerings to make you propitious, but to sacrifice himself a burnt offering—a holocaust to your Majesty's service. Amongst which number no man's fire shall be more pure and fervent than mine. But how far forth it shall blaze out, that resteth in your Majesty's employment. So thirsting after the happiness of kissing your royal hand, I continue ever."

It is letters similar to this in manner and character which compose nearly all Lord Bacon's correspondence. They show at least that Lord Bacon's tone of morality or of honesty was not high ; that his motives were base and personal ; that he consulted the means little that tended to his own ends ; and that he differed as much from ordinary men in the unscrupulous manner in which he sought advancement, as in his great mental attributes. If it is urged, on the other hand, that other courtiers did the same, though this cannot be held to be an excuse, for it cannot excuse the ablest, that the most abject should pursue " Arts by honesty avoided," yet even this is untenable. No letters of a similar kind, from the other conspicuous statesmen of the times exist. If they wrote them, surely some such would be forthcoming ; but it cannot be, that they will ever be produced, for they never were written. Bacon stood alone in servility and cunning, the most abject of the abject, the basest of the base.

The Queen died March 24, 1603. Bacon's letters produce the desired result. He is placed—through Cecil's

intercession and his own active energy. His services are accepted, but not without distrust. He is appointed King's counsel; his pleadings with Lord Henry Howard, with Mr. Fowlis, Mr. Chalmers, with the Monarch, have availed. Once engaged, as he knows, his prospects are sure. He is the man for James. James has a love of scholars and students—is inclined to peace. He will have obsequious servants, who are ready to prostrate themselves before him. Bacon is a scholar, a man of peace, and a pliant and servile servant.

As early as July, after the king's establishment on the throne, we find Bacon is anxious to be knighted. The King is very free with the title; it is a source of profit to him. But the honour is so doubtful that some persons have, for the purpose of bleeding them, to be coerced into its acceptance. Bacon is not of these; he has fixed his eye on a certain alderman's daughter, with a very handsome jointure. In his wretchedly poverty-stricken condition, he is compelled to pawn some of his jewels even for so small a sum as 50*l*.* There is no doubt, her large fortune—10,000*l*.,† equal to 90,000*l*. or 100,000*l*. at the present day—is a handsome consideration, and came most opportunely to relieve his necessities. On this point Lord Campbell, agreeing with Macaulay, with his usual accuracy, says:—"I am afraid this was a match of mere convenience, and not very auspicious." This is his lordship's solitary comment, and no belief could be more just or well-founded. Bacon is forty-two—certainly not too old to love; but an age when the passions in men, and such men as Bacon was, wait upon their

* 'Egerton Papers,' 395.

† Wotton calls it "an immense sum in those days," vol. i. p. 183.

prudence. He is desperately in debt; has possibly, from a reference in one of his letters, "because of this late disgrace," been again arrested. Not a tittle of evidence exists that his married life was in any respect happy; there is no allusion to his wife in his writings; there are no letters to and from her preserved. From these facts, from the fact that Bacon was married either in July or August, and redeemed on the 21st of that month a Jewel of Sussanna made of gold, set with diamonds and rubies, out of pawn from Lord Ellesmere, it is quite admissible that Lord Campbell should say it looked more like a marriage of convenience than love.

On this, and on his first love, Lady Hatton, the editor of the 'Athenæum,' with his usual accuracy, says:—"Francis falls into love; Lord Campbell thinks he only falls into debt. That being desperately poor, he made a bold attempt to restore his position by matrimony." "This is merely," says the great Critic, "in Bantam's vein. When one doesn't know, asks the cockfighter, is it not natural to think the worst?" Mr. Dixon is witty at the late Chancellor's expense, with but small reason, however.

Lady Hatton was a shrew, but was notoriously rich. Bacon was then thirty-seven years old, placeless, briefless, and in debt—an author without repute, a lawyer without practice. The conclusion was, if not obvious, certainly fair. With respect to this second love affair, Mr. Dixon again attacks the late Chancellor, hoping some day to receive notice—even a rebuke would be treasured. "Lord Campbell takes everything on trust. . . . He makes merry over his (Bacon's) mercenary love and marriage of convenience;" and then the great Censor proceeds with a page of grandiloquent verbiage, to show his superior knowledge

of the subject, who the lady was, what was her jointure, but particularly who was her father-in-law, on whom we have some dozen or twenty pages lavished.

Mr. Dixon had stumbled over a book called 'Wotton's Baronetage.' Herein is his store of learning concealed. His research into the family of Francis Bacon's wife went so far as to copy several pages of this. The fidelity was commendable. But wherefore this cackling, unless on the principle of the solitary chick, which gives such delight to the parental bosom? Mr. Dixon is proud of his one fact. The single truth of his volume. He is, however, compelled to mar it. Wotton declares the lady had for her dower "an immense sum" in those days.

Mr. Dixon alters this fact. He would have us believe her poor and all but portionless. That the marriage was of love, and not of convenience. Yet it must remain very doubtful that it was so, with such manifest reasons to the contrary. But wherefore all this talk about Lady Bacon's father-in-law, and none about the lady? Mr. Dixon neither tells us if she was fair or stout, or short or tall, or witty, or clever, or domesticated; how she was dressed, spent her time, or when or where she died even. Such neglect is surely culpable in so accurate an historian. The public don't care anything for lusty Pakington, he was no relative; but they do care something about Lady Bacon. But the oracle is mute; it is very perplexing.

Having gained the object of his ambition, and married; having been made a knight at his own request, to enable him to marry her, and that he might not be outfaced by three other knights at his own mess, Bacon is no nearer the goal of his hopes. He has been accepted, to some

extent, into favour, but he is still under a cloud. He was one of the persecutors of Essex. It is now most probable that he wrote his 'Apology' for the infamous part he took in that transaction. He prayed to be knighted alone, but this favour was denied; so he received "the prostituted honour" in company with 300 others. Among them no doubt his money-lender, Mr. Michael Hickee. He was engaged, says Lord Campbell, in Raleigh's trial; but Sir Dudley Carleton expressly says that none but Coke, Heale, and Phillips were employed, and this is possibly accurate. The State Trials do not refer to him on this occasion. But again a Parliament is to be called, and distinction reaped by his Eloquence.

In this session he again appears as the advocate of the court, and as one of those anxious for the King's pet scheme of the union of England with Scotland. On the 25th of the succeeding August, after parliament is prorogued, he receives his reward, by being appointed king's counsel, with a salary of 40*l.* per annum, and with an additional grant, in answer to his begging letter, of 60*l.* per annum for the services of his brother Anthony. He has therefore gained by his show of obedience. Cecil and he now work in unison; and Robert Cecil, having treasonably practised with Scotland during the time of Elizabeth, and at the very time Essex was brought to the scaffold for dealing with Ireland, is now again in power, and Bacon is likely to thrive.

The better to keep his name before the King, and to conciliate and flatter his august sovereign, he published this year a tract "On the Union of the Two Kingdoms;" a letter addressed to the King, "On the true greatness

of the Kingdom of Britain;" and a letter to Lord Ellesmere, no doubt to be shown to the monarch, suggesting a History of England. These, however, were not answered on the instant, for he was passed over in an appointment of solicitor-general this year, not receiving his reward for three or four years.

In the year 1605 he published the first of his nobler literary labours—his book, 'On the Advancement of Learning,' the result of many years' persistence and cogitation. And which now came opportunely as a present to dedicate to a monarch so proud of his scholarly acquirements, so inclined by taste and inclination to foster literature.

Coke had all this time triumphed over Bacon. He had been a fortunate suitor for Lady Hatton's hand; he had passed through the grades of solicitorship and attorneyship; had partly no doubt from inherent antagonism of nature, partly from a disposition overbearing and harsh, and something from jealousy of Bacon's superior gifts of eloquence and his greater literary attainments, been his bitter and unforgiving enemy. There can be little doubt that Coke despised Bacon as a lawyer; that he knew Bacon's attempt to depreciate his services and to slander him when competitors for the same place; and that he had reviled him as "the Huddler." Coke was not a man to forget a wrong. Implacable in all things, he was not likely to be vacillating, or doubtful, in his animosities.

Coke has been called narrow-minded. If a great lawyer can be narrow-minded, perhaps he was. But the terms are contradictions; for that common sense, logical accuracy, precision of reasoning, and nobility of sentiment which make a man great in law—without which no man

can be great in law—were great in Coke. He was narrow-minded in his adhesion to one pursuit; he turned neither to the right nor to the left in anything he undertook. He saw one end and one aim, and that in all things he pursued. This temper made him the greatest lawyer of his or of any other age. Not the greatest philosophic lawyer, but the greatest lawyer of practice—of practical utility. His knowledge of law was as practical and utilitarian as Bacon's philosophy. And so it remains, and will ever remain, the backbone of the legal system of this realm. Those who call him a bigot, or narrow-minded, can never have weighed well his gloss on *Magna Charta*. It is a more glorious monument than the 'Novum Organum;' at any rate I unhesitatingly confess I would sooner be the author of one than of the other. It asserts in an age of despotism, the noblest Maxims, of civil and religious liberty. It lays down, not as new ideas, without weight, or age, or precedent, principles which no succeeding generation of men can afford to despise, which no nation can ignore, which no men, aspiring to be free, can do better than preserve. As long as Coke's law is upheld, the people who uphold it must be free. No nation can be grand enough to forget it. Therefore Coke was not narrow-minded in one sense of the phrase—his notions were in the highest degree liberal. On the freedom of the subject, on the liberty of free speech, on exemption from taxation unless self-imposed, on torture, on the rights of every citizen to act with freedom and independence, Coke's law is the best law extant in the universe. Coke was implacable, Coke was relentless, because Coke was obstinate, because he was pertinacious, and could in

nothing be made to swerve from his point. Therefore Coke having good cause, no doubt hated Bacon ; no doubt for some such reason likewise hated Raleigh.

Bacon was no less pertinacious and persistent, but his aims were private. His life had been devoted from his nineteenth year to one idea—place. Coke's had been devoted to one end from boyhood—law. A second struggled for mastery, with it, love of money, but law triumphed. He was the soul of integrity, and honourable to the utmost scruple, as a judge. Coke was a man in whom principle, and what might be termed sentiments, predominated over intellect. In Bacon intellect triumphed over principle. Herein was the main difference. Law with Coke was not an intellectual study, a philosophy, a system, but it was a means to an end. The welfare of the subject was its aim. Law was the embodiment of human justice, in power.

The King was a very fine personage, and Prerogative, as a legal fiction, was even finer and grander ; but prerogative was not so grand as the law, because, as Bracton had said, the law made the King. The reasoning was sophistical, but what of that ? Coke never argued to convince—he was already convinced. His sentiments were noble ; his sentiments had decided, and he brought a nobler array of argument to justify his conclusion, to prove his case, than any man could before or since. If he had taken it into his head to defend torture, he would have defended it as ably. But this was not his nature : he elected against torture. The capacity that gives him obstinacy, gives him weapons to maintain it. He ransacks everything new and old that will make his point. He will never give way—no fear of that. While he breathes, where he has taken his stand

will he bide. On the 29th chapter of *Magna Charta*, the 10th of Ed. III., and the phrase out of Bracton—on these he will take his stand ; so out of these he will furnish new weapons against tyranny, which shall be as a flaming sword in the hand of liberty for ever. Coke with obstinacy pursues everything, and with obstinacy he despises and also hates Bacon.

The rivalry of these great men has been made much of by the moderns, but always with depreciation of Coke. Persons like Mr. Dixon, utterly ignorant of law, and still more incapable of appreciating the principles of law, sneer at him. With his usual temerity, Mr. Dixon heaps on one of the greatest benefactors of the human race, epithet on epithet ; but Coke was, it must be understood, a man not less wonderful, not less supreme in genius, and infinitely more noble in his aspirations, than Lord Bacon. To be sure he was no philosopher, but he was a lawyer. Law is a practical art. The welfare of the world as much depends on just law and just legislation, as on even sound philosophy. Liberty is as priceless as science. Coke's practical art had a theoretical and ideal end. Bacon's theoretical art had a practical and scientific end. Herein is another difference ; for liberty and justice are abstractions, while the aim of Bacon's philosophy was to produce practical fruit.

Sir Edward had in 1598 put an open slight, indeed grossly, as his nature was, had insulted Bacon at the bar of the Exchequer. In 1605, Coke again insulted him, possibly with the same coarseness as before. Bacon wrote to expostulate with him.* “ You take to yourself a liberty

* Montagu, vol. xii., p. 102.

to disgrace and disable my law, experience, discretion, and what it pleases you I pray think of me. And surely I may not endure in public place to be wronged without repelling the same, to my best advantage, to right myself. If you had not been shortsighted in your own fortune (as I think), you might have had more use of me;" but that tide has passed. That I have written is to a good end, that is to the more decent carriage of my master's service, and to our particular better understanding. But it is hardly likely that a man so prejudiced, so obstinate as Coke was, would be changed by these paper billets, nor was he. Coke, there can be little doubt, hated him to the end with a most unchristian hatred.

At last, on the 25th of June, 1607, Bacon's desires were crowned by the post of Solicitor-General. He had been twice passed over in 1604 and 1606, but his fortune is now mending. In 1608 his reversion in the Star Chamber falls in, and he has no longer to look on another's ground which does not fill his own barn.

In 1608 he submitted his '*Cogitata et Visa*' to Sir Thomas Bodley; and in 1609 he published '*De Sapientia Veterum*.'

In the parliament of sixteen hundred and six, Sir Francis Bacon distinguishes himself greatly, in furthering the King's favourite scheme, of the union of Scotland and England, and his speeches at great length have been supplied from his works to the parliamentary history of the period.

In 1611 he was appointed joint judge of the Knight Marshal's Court. In 1612 Sir Robert Cecil, made Earl

of Salisbury in May, 1605,* died May 24, 1612. Within a week of his death, viz., on the 31st, he wrote of him to the King: "Your Majesty hath lost a great subject and a great servant. But if I should praise him in propriety, I should say that he was a fit man to keep things from growing worse; but no very fit man to reduce things to be much better, for he loved to have the eyes of all Israel a little too much on himself, and to have all business still under the hammer, and like clay in the hands of the potter, to mould it as he thought good, so that he was more *in operatione* than *in opere*." Poor petit Bossu! thou didst know thy grateful cousin Francis: thy father gauged him rightly: said he not truly, "for thy cousin Francis he is shifty and a double dealer, trust him not?" Not a week dead, thou, whom while thou livedst he declared so wise.

In contrast, here is a quotation from one of several letters of the same stamp to Salisbury himself:—

"Now it hath pleased you, by many great and effectual benefits, to add the comfort and assurance of your love and favour to that precedent disposition which was in me to admire your virtue and merit; I do esteem whatsoever I have or may have in this world but as trash in comparison of having the honour and happiness to be a near and well-accepted kinsman to so rare and worthy a counsellor, governor, and patriot."†

But Francis Bacon is now writing to the King. He thinks it would be worth while for his Majesty to look

* He was knighted 1591; made Baron Essendon, 1603; Viscount Cranborne August, 1604; Earl, May 4, 1605.

† Montagu, vol. xii., p. 280. 'Resuscitation,' Letter to Robert Cecil, Earl of Salisbury.

about him ; there are, it is true, good men left, but do they know that to grant money to the King and to make the King popular, is their duty ? Perhaps not ; but one Francis Bacon knows. Yes ; Francis Bacon “ is a peremptory Royalist,” and “ never one hour out of credit with the lower house.” Might he, his “ Majesty’s humble servant devote,” suggest some few things touching future parliaments ?

This letter produces no result : straightway another is sent.

“ If your Majesty find any aptness in me, or if you find any scarcity in others, whereby you may think it fit for your service to remove me to business of state, although I have a fair way before me for profit, yet now that he is gone *quo vivente virtutibus certissimum exitium*. I will be ready as a chessman to be wherever your Majesty’s royal hand shall set me. I know not whether God, that hath touched my heart with the affection, may not touch your royal heart to discern it.”*

A third letter is despatched, so indefatigable a beggar is the great philosopher. Of this the beginning is unfortunately lacking : it now opens thus :—“ Lastly, I will make two prayers unto your Majesty, as I used to do to God Almighty, when I commend to him his own glory and cause ; so I will pray to your Majesty for yourself.”

This is certainly impious. The “ commend to heaven its own glory,” is something in the manner of some popular preachers we wot of. Infinite mercy, humanly speaking, is needed to forgive such hypocritic blasphemy ; but let this pass. The remainder of the letter is to the purpose,

* Montagu, vol. xii., p. 282.

months together: the King's
that should have been kept in
printed books, which were wo-
court (*arcana imperii*). Con-
profitably ; numerous projects l-
blasted, leaving the monarch no
courses, and others the like, l-
deviser of them, which had tun-
timable prejudice," finishing with
he is active in this, from "love and

If Cecil had been Bacon's friend
was at open and acknowledged
dead would have been unparal-
circumstance conspires to degrade
the calumny infamous. Robert
he was on terms of friendship with
latter had for years past knit his
the enmity of early rivalry had
raised Cecil ; he always address

being done for any public end, it was simply with the basest motive. Being gratuitous and unnecessary, like the Essex prosecution, it was so much the more degrading.

On Sept. 18th, 1612, he addressed another letter to James, suggesting how improvements might be made in the Court of Wards, having evidently an eye to his appointment to the mastership. In this letter he alludes to some notes he had given the King, doubtless to show his Majesty that he might make more profit from the post than at present, as James had declared them "true passages of business." As there was still a master of the post in existence, this letter indicates the attempt of a man to supplant another person by indirect and secret means. Neither of these letters produce a result. Bacon is not made secretary. He is not appointed to a place in the Court of Wards. He tries another shot therefore. His arrow has spent itself, or been consumed ; but his quiver is inexhaustible.

He will now be more reasonable and treat for the Attorney's place, so he writes another long letter, printed in the 'Cabala' and in 97 of Montagu, vol. v., begging the King to appoint him, or make him a promise of the Attorneyship. He knows the King's vanity, and with his usual and wonderful cunning and knowledge of humanity, the particular return he offers to James is praise in history, "to do some honour to you by my pen, either by writing some faithful narrative of your happy but not untraduced times, or by recompiling your laws;" and so, your Majesty, giving you the fame of another Justinian. James, on this, so well has Bacon calculated the fee, promises it. Soon after, Mr. Attorney Hobart fell

dangerously ill. While he is sick and confined to his bed, Bacon again promptly writes to remind the King most indecently of his promise.

He does not wish the Attorney's death, God forbid ! he does not even wish to live "more than to do your majesty service." There have been an Attorney Coke and an Attorney Hobart : he counts Hobart already dead. I am alive myself, "but if I should not find a middle way between their two dispositions and carriages, I should not satisfy myself." * Again disparagement !

The Attorney did not die, to Bacon's sincere gratification no doubt ; but about August 1613, Sir Thomas Fleming, the Lord Chief Justice of the King's Bench, did die. Bacon is again in the field, soliciting the place, if it pleased the King, over Hobart's head. He thinks the Lord Chancellor's place (not vacant) would be a good place for Sir Henry Hobart, nay, he would be almost loath to live to see this worthy counsellor fail in obtaining it. Noble, disinterested Sir Francis ! so that I might have the place that is vacant, over Sir Henry's head, the Chief Justiceship, that is the meaning of this modest proposal.

But this is a letter demanding art ; if the King should take it into his vain pate to exalt him, it would be a great point. So Bacon adds : "My suit is principally that you then would remove Mr. Attorney to the place. If he refuse, I hope your Majesty will seek no further than myself."

The letter is not extant in which he proposed to Sir Henry Hobart to refuse, and try for the Chancellorship ; perhaps it was never written, perhaps it was too dangerous a stroke of policy to put on paper : a hint or two would be

* Montagu, vol. xii., p. 121, from 'Resuscitation.'

better. If he refuse! What! refuse a King? who ever suspected Hobart would refuse, but Bacon? but anyway, James might be frightened into the idea, or familiarised with its possibility, and so not try him. The stroke is worth making; if it fail there is no harm, but much good if it succeed.

Sir Henry Hobart did refuse, an unusual thing, although he would have reduced his income by the change. Perchance Bacon wrought upon him successfully, and showed him how something better might be done; the Chief Justiceship of the Common Pleas gained, to wit, an infinitely more profitable place than that. It is true, Coke is there; but if he could be removed, and so injured in that vital part of his person, his pocket! Ah! that would be a double stroke worthy Nick Machiavel himself.

Singular to relate, Bacon's coup d'état, as these things are called now, succeeded. Hobart was appointed to the Pleas, Coke was, with a pretence of superior honour, elevated to the King's Bench; Coke was injured in pocket, and made furious by his loss; Bacon was quietly appointed to the Attorneyship.

We have seen above an allusion to a middle course between Coke and Hobart. Coke had already proved himself inflexible in the matter of law. While he had his career to make he was willing to be to some extent obsequious. He had not, like his rival, much personal self-respect. He stood little on his own dignity, hence his familiar converse with inferiors, for which Bacon afterwards rebuked him. To bend the knee was to him no such unspeakable degradation as to his rival, except

where a principle was concerned, for Bacon had much of what is termed pride, while Coke had little. So that Coke would have bent himself to the King's ends, but to bend the law, ah! that was another thing. Yet that was precisely what his Majesty required. In this Coke was already found intractable. Hobart, on the other hand, was a mild, amiable, idle man, fond of ease and quiet. Bacon would be more industrious than the last, more servile than the first. With this view he submitted to his Majesty certain reasons, which were, no doubt, those that influenced Hobart, and which produced so happy and fruitful a consummation. Here are the reasons tendered, and which deserve to be recorded in full, as a masterpiece of the statesman's art and craft. They are condensed, chiefly these.

That it will strengthen the King's power among the judges, that is, enable him to overrule them, for it will place Coke near a privy councillor's place, and so make him obsequious; and that the attorney-general being made a judge, will hold Coke to his duties, being a new man, and therefore emulous to please the King. That the Attorney-General is a timid man, and scrupulous both in parliament and other business; whereas the new solicitor (Mr. Francis Bacon) "going more roundly to work, and being of a quicker and more earnest temper, and more effectual, in that in which he deals," is like to recover that strength to the king's prerogative which it hath had in times past, and which is due unto it;" and that a good man of courage and speech must be brought in, for it is not any use that the King's judges are well disposed, except the King's counsellors, his attorney and

solicitor, put the judges well to it ; for in a weapon what is a back without an edge ?

Now the plain English of this is—for Bacon never trusted his meaning to words which might betray him,—that if your Majesty mean to carry out this plan of royal prerogative asserted frequently, distinctly, and which you have so often conveyed to me, you must have unscrupulous servants, prompt, bold, dog-faced men ;—men willing to face out public opinion, and to go before the judges and show them the way, so that they must follow. He next gives his reasons. 1st. That this will make the solicitor's and attorney's places valuable, and of consideration, and worth seeking, which will strengthen the King's prerogative. 2nd. That to remove my Lord Coke to a place of less profit, though it be against his will, yet will be thought abroad a kind of discipline to him for opposing himself in the king's causes ; the example whereof will contain others in more awe.

Lastly and chiefly, the belief has gained ground that by canvass, and labour, and money, places like the solicitors and judges are to be earned. (By merit for instance.) This should not be. This will appear to be the King's own act, and to the King's infinite honour, for people now say that the King can make good second judges ; but that is no mastery because men sue to be kept for these places.

Again, we must help with a gloss, Sir Francis. He has grown so "terribly wise" in the precise value of phraseology in history, that he alone realizes absolutely the wisdom "of their being intended to conceal thoughts ;" for discipline, let punishment be understood. Discipline, it is true, looks better, but punishment is included. Dis-

cipline is the right word, because it means the culprit is to be overawed in future, trained into obedience. But let the people know the King will not be trifled with, is the sense. Again, the King's infinite honour includes really power. Infinite honour is a large phrase and comprehends much besides being conveniently vague. It includes, of course, prerogative. If his Majesty is known to be in the habit of appointing the judges, at his own will and discretion, on their good behaviour, it will strengthen his power, pollute the fountains of justice, blast every honest avenue to ambition, and fame, and good repute. Seal up the mouth of truth, and cover the faces of the judges, so that the people shall be cursed. This is the English of it; but it is hardly to be expected Sir Francis should write in such coarse and uncourtierlike phrases, though he mean it.

James had already declared his interest in the matter of the prerogative, that is, once for all, in the matter of his absolute and uncontrolled power or tyranny. He had said in his speech, "*Rex est lex loquens** in the matter of prerogative, as I would not lose any the honours and flowers of my crown, but rather my life. He is a traitrous subject that will saye a King may not proclaim and bind by it."†

And in 1614, in a speech which bears one or two marks of Bacon's hands, the unfailing sign of his handiwork, speaking of his prerogative, James says: "And where any controversies may arise, my lords the judges chosen betwixt me and the people shall decide and rule me."‡ This

* 'Parl. Hist.,' vol. i., p. 1099.

† Ibid., vol. i., p. 1156.

‡ Ibid., vol. i., p. 1156.

will show the importance of the honesty of the judges in a constitutional sense no less than as dispensers of justice. They were first to be packed and then called in as arbitrators by James, between himself and the people. Bacon was made attorney-general October 27th, 1613. Now, indeed, he hath builded himself up. Henceforth we have to contemplate Bacon's career in a national and historical aspect. He is the King's adviser. He helps his master with his speeches of state. One can pick out Bacon's metaphors from James's orations like currants from a pudding. James is fond of images. They have a common liking and sympathy for conceits, and for fantastical images from the mythology. They both like little scraps of Latin; whereas Coke delighteth in a jargon of English and law Latin. The King and Bacon pepper in quotations from the classics, the one to show his attainments, the other to hide his intention. His Majesty indulges frequently in profane images, so, ever since he came to the throne, does Bacon. After the Gunpowder Plot, James likens his escape to the regeneration of man; and whereas God, in his mind, appeared greater in regeneration of man than in his creation, so, in saving him, James, he appeared greater than in his creation. (In mercy certainly, if history is to be trusted.) But Bacon's images, Bacon's profanity, Bacon's law, Bacon's quotations, Bacon's metaphors, Bacon's conceits, can all be easily separated from royalty's as wheat from chaff. The King's answer to the Petition of Grievances in 1610 was doubtless Bacon's. It was undeniably a lawyer's—it has many features of Bacon's lineaments traceable in it. It looks too business-like and direct to be wholly his however; but the speeches of 1614

were undoubtedly of Bacon's handling. This passage is, or I am shrewdly mistaken, Bacon's: "The three ends which have made me call this parliament together are Bonæ animæ, bona corporis, and bona fortunæ—religious safety and the assistance of my subjects, which are the true grounds of this and all well-intended parliaments. For religion, which the philosophy with the glimmering light of nature called bonæ animæ," &c.

Here the King chops off into his old drivel. Bacon is too wise to place words altogether in a mouth that he has measured and that will not fit. Much too wise to write speeches and so appear to direct, not to suggest an image, or a definition that the King can use and believe his own, and receive credit for, that is a subject's (a subject with an affectionate and loving heart) duty, as well as his delight.

In truth, Cecil is dead. The Monarch has now no great adviser. Bacon from the first volunteered his services. He has written, putting the words into the mouth of the King. "Bacon, your words require a place to speak them in.* He is but as a mirror, as he himself has often told me, (I used the image, I flatter myself, well in my last speech,) to my wisdom, 'a puir gude bodye,' who loves me, a man of peace." The King knows him to be the most dutiful of men, so perhaps reasons that he is one of the most innocent. An ill-used and suffering admirer and worshipper of himself. How must Bacon have felt the error! What contempt he in his own heart felt for James—what unutterable scorn for his stupid pedantry, no man can now know. It was never expressed. If it had been, there had been an end of court life. The King

* Montagu, vol. xii., p. 281.

would have lost a servant, Truth would have gained a disciple. Honour rescued a great name from scorn.

So Bacon at last, as the result of sheer audacity, is now placed legal adviser to the crown, and in this chapter, at least, we must trace his connection with the history of England of this day—with the great strife 'twixt the King and the Commons; with the fight for prerogative and for liberty, which shall be fought face to face at Naseby and Marston Moor. When for ever the new world shall be divided by unsurpassable barriers of principle and law from the old; when a principle grander than any contained in the 'Novum' shall be asserted and substantiated—that the king is but the head of the commonwealth; that he is part of it, subject to the same laws as the rest of the members; that the people were not made for the King, but that the King is their servant, representative, and delegated ruler, a truth which had never yet been asserted on a field of battle, as a principle, though it had existed theoretically in schoolmen's books, and been partially understood for some hundreds of years.

CHAPTER XVI.

THE hour of twelve has struck : it is by natural sequence the hours of eleven, ten, and nine have gone before. Nature maintains as a law the same consistency in all her phenomena. A nation rising in arms against its King is not a sudden thought, the work of an hour or a day. One blow may, in truth, be final—one drop in the cup may overflow it ; but unless it had in part been filled, it would not overflow. In like manner, had James I. not paved the way, Charles would never have been executed, an undoubted martyr on the one hand, on the other, a just sacrifice for a nation's wrongs.

When James came to the throne, the parliament of England had in part regained its old power, which it had almost lost under Henry VII. and VIII. Its language to Queen Elizabeth in 1601, after Essex had been led to the scaffold, was more dutiful and affectionate than that to Richard II. But it was bold, emphatic, and decided. On that very question of monopoly they stood up for a form, for they were now wise enough to comprehend the weight of forms, when these forms are to become pre-

cedent and make history, and perhaps beget myriads of descendants. Francis Bacon would then have proceeded by petition. They would proceed by bill. He would make it a favour of the Queen to grant, they would have it acknowledged as a right. The Commons were not in a position to be trifled with. They gained their point and proved their right. This was the last parliament Elizabeth called. The great heart—the noble Queen worthy this great and golden age—worthy to rule a nation whose citizens were Shakspeare, and Spenser, and Bacon, and Essex, and Raleigh, and Ben Jonson, Wotton, and Sidney, and Burleigh, Hooker, and Southampton, whose visitors were Beza, Casaubon, Montaigne, Gondomar, had ceased to beat. Elizabeth was dead. Broken-hearted, wasted away in a grandly tragic manner becoming herself and her age—refusing sustenance—not in her bed, bold to the last; but as a Queen should die. A Queen who had seen the 'Golden Hind' go out and return, who had listened to Shakspeare, who had spoken oft to Raleigh, who had triumphed, through Heaven, over the Armada, and who had seen faction and rebellion from without and within, the hatred of Papists, the enmity of Ireland, the wrath of Spain all ridden through—herself the Great Captain in that one ship amid the mighty ocean, the Sovereign Head of the Protestant cause.

James succeeds. Men rush impatiently to greet him as the rising sun. He is the King of a larger realm, of a greater power than any of his predecessors. His prerogative, his Royal power, is all but absolute. Hume has shown us fully and completely, that in practice the Monarch was absolute. That great historian has indeed compared the

the King or the people, the power
or the law, is supreme. The question
Kingly power is to be controlled, c
A small matter enough as a thesis for
tremendous, indeed, when it shall be
war—when the combatants shall argue
brother against brother, kinsman ag
deadly fight, with hatred at their h
of warfare in their hands. James
promptly. If the people talk about
have none. The King has rights onl
Ruler is the supreme law.

From his first parliament to his de
own language. At first he insists r
peremptorily. Under Bacon's advice
resolute, determined, absolute. He wil
tighter than any of his predecessors,
tyrannically disposed personally — for
as affable as any of his predecessors

for a minister. D

monarchy is the supremest thing on earth, for Kings are not only God's lieutenants upon earth, and sit upon God's throne, but even by God himself they are called gods. . . Kings have like power with God : they make and unmake their subjects ; they have power of raising and casting down ;" (here it may be seen how Bacon's shaft strikes home) "of life and death ; judges over all their subjects, and in all causes, and yet accountable to God alone. . . . That as to dispute what God may do is blasphemy, so is it sedition in subjects to dispute what a King might do in the height of his power ; but just Kings will ever be willing to declare what they will do if they will not incur the curse of God. I will not be content that my power be disputed upon ; but I shall be ever willing to make the reason appear of all my doings, and rule my actions according to my laws."*

These were James's own sentiments: it is not to be supposed that Bacon was so foolish as to furnish him with these. The King was bent on enforcing them. Just as Bacon would furnish his Master with praise for his vanity, with protestations of service to satisfy him ; would fawn on him to flatter him ; would write up his ancestor, Henry VII. from whom he pretended directly to claim, or falsify history for his sake ; Bacon would furnish him with law to justify his pretensions. If his Monarch would slay or torture any unhappy subject—an innocent man, moreover—Bacon will find him law for it. Nay more, he will, if necessary, perpetrate a crime with his own hands, and vindicate it afterwards, as occasion arises. Wherever James will go Bacon will follow. It is the property of weak

* Appendix to 'Parliamentary History,' vol. xxiii., p. 3.

minds to seek the shadow and reject the substance. James did not so much crave substance as the shadow, the semblance, the mere theory of royalty and prerogative. He longed for the idea. Had he been ten times more cruel, ten times more tyrannical, he might have gratified himself. Had he only pretended to be constitutional, had he fawned on the Commons, he might have been more substantially great. But he was bent on the letter, not on the spirit, and the Commons, who might have been wheedled or fooled out of the spirit of independence, were strict to the letter. This is the duty and the necessity of corporations. Statecraft says the policy of kings is to seem pliant and be strong; to appear to accede rather than do it; to seize with the velvet fingers and the iron hand. James reversed the rule.

From time immemorial the monarchy of England theoretically, that is in law, had been limited. The coronation oath of James was substantially that administered to Edward the Confessor, to grant and keep, and by act confirm the laws and customs and franchises of Englishmen. Hooker said, l. 1. c. 10: "And men saw that to live by one man's will became the cause of all men's misery; this constrained them to come to laws wherein all men may see their duties and know the penalties of transgressing them. And though wise and good men are fit to make laws, yet laws take not their constraining power from those that make them, but from the power which gives them the strength of laws: and by natural law, the lawful power of making laws, whereto all societies are subject, belongs so properly to these entire societies, that for any prince or potentate, of what kind

soever, to exercise the same of himself, and not either by express commission from God, or authority derived from their consent upon whose persons they impose the laws, is no better than tyranny." Bracton has said: "*Rex autem habet superiorem Deum scilicet. Item legem, per quam factus est. Rex: item curia suam et est, ubi dominatur lex non voluntas.*" Fortescue: "A king of England cannot, at his pleasure, make any alterations in the laws of the land, for the nature of this Government is not only regal but political."*

"A king of England does not bear such sway over his subjects as king merely, but in a mixt political capacity. He is obliged by his coronation oath to the observance of the laws."

This is the law of the realm. Bacon, a lawyer, will oppose the law; he will pervert it by his knowledge; he will prove whatever the King desires to be legal. Proclamations having the force of laws; Benevolences; Monopolies; every abuse which time, or experience, or corruption has engendered, he will, if need be, substantiate.

Precisely as Coke has resisted the illegal attempts of the monarch to override the law, Bacon has sustained them. They are the advocates of opposite interests, hardly less opposed than day and night. These eight years since Bacon has been augmenting daily in the King's favour; has become his sole hope in all matters of prerogative. In "the great case of impositions," in which the monarch has attempted to inflict an import duty of five per cent. on currants, without the consent of

* Cap. 9.

parliament, Bacon has been the learned, eloquent, and unremitting defender of the infraction. The King gained his verdict through Bacon. The Commons, alarmed, debated on the innovation, but were cautioned that this was a subject out of their province. At this they have remonstrated. Another dutiful servant of regal power, Mr. John Cowel, a professor of civil law at Cambridge, has published in 1607, a book called 'The Interpreter,' dedicated to the Archbishop of Canterbury, containing matter even more grievous to parliament.

It has inculcated, say the Commons, three dangerous doctrines:—

1. That the King was not bound by his coronation oath, having power to dissolve any law.
2. That the will of the King was the law of his people, and that, therefore, the Monarch is not compelled to call a Parliament unless he choose.
3. That it was a favour to admit the consent of the subject to his own taxation.

This book and its doctrines have been eulogized by his Majesty in parliament. The Commons thereupon complained* to the Lords, that it contained matters of scandal and offence against parliament, and is otherwise of dangerous consequence and example "in which opinion the Lords have since concurred." The result has been a remonstrance to the King, who has issued a proclamation suppressing the book.†

* Feb. 10.

† Preface to Cowel's Dictionary. The editor of the 'State Trials' seems to have been unaware that the book was prohibited (see 1124, vol. ix., 'State Trials').

In all these measures the author of the '*Novum Organum*,' has lent his aid. His speeches in the Exchequer, albeit less incautious in expression than James's own utterances, are to the full as usurping. The King likens himself to God. Bacon was the first to suggest the image. Bacon's adulation of the monarch in the first parliament comes back reflected grotesquely in his master's language in the third. In fact, the philosopher holds the torch for James. He furnishes him alike with language, with reasons, and with law.

In April 1603-4, James's first parliament, we find Bacon saying that the King's voice was "the voice of God in man; the good spirit of God in the mouth of man. I do not say the voice of God and not of man. I am not one of Herod's flatterers. A curse fell upon him that said it." How to report his Majesty's speeches he knew not, the eloquence of a King was inimitable. This was only of a piece with all his written and spoken language to the King. In his heaviest labours, in the '*De Augmentis*,' in his histories, in his dedications, he pursued the same strain, and has found his benefit in it. But the House of Commons has become alarmed so early as 1604 with the Monarch's speeches and with his conduct towards them. In June of that year they address to him an apology, touching their privileges, in which they declare among other things—for it is a very lengthy document—1st. That the citizens of England have free choice of members of parliament; 2nd. Freedom from arrest of members; 3rd. Future freedom of speech in parliament. They assert that all these have been aimed at. That the prerogatives of princes may

easily and do daily grow. That the privileges of the subject are for the most part at an everlasting stand.* And they make six protestations in favour of their liberties and privileges, which they desire to be recorded for the benefit of posterity :—1st. That our privileges and liberties are our right and due inheritance, no less than our very lands and goods ; 2nd. That they cannot be denied or withheld without injury to the realm ; 3rd. That their request to enjoy them at the opening of parliament is a mere form and courtesy ; 4th. That the Commons is a court of record, and so hath ever been ; 5th. That there is no court in the realm to compete with it in dignity ; 6th. That it is the proper judge of return for all writs concerning the election of members.

This boldness is of course opposed by James. He will put it down. He has already interfered in various ways by threatening, and even indirectly expelling members for plain speaking ; and now the conflict is to commence. The King and Bacon on the one hand, the people of England on the other. I say this advisedly, because, though Bacon is dethroned and pushed out by Villiers, the King's language from 1610 to 1617 is more violent, and his courses more tyrannical than at any other period during his reign. Under Bacon's guidance and by his aid he attempts the worst, the most execrable acts of despotism which disfigure the face of English history. The prosecution of Peacham ; the granting of monopolies ; the extortion of Benevolences ; the coercion and punishment (discipline) of judges by Star-Chamber prosecutions ; being but part of the system of legal and constitutional

* 'Parliamentary History,' 1034.

† Ibid., 1033.

infraction at which he aims. In all these for immediate personal ends, the great philosopher will prove himself an active and zealous agent. The King is ignorant and blind. His adviser knows and understands the peril of the cause, but with one end only in view, will hesitate at nothing short of perdition. Into what infamy unscrupulous ambition leads, the next chapter will show.

CHAPTER

WE come first to the prosecution to a fair trial is undoubtedly of a free people. That innocence one of the fundamental duties Peacham stands out on this as a flagrant act of injustice ever in the history of England from end to end so bad.

Here are the facts. James I. was against one Peacham, an old clergyman years of age, rector of Hinton St. Margaret. History does not show why the quarrel arose; it shows clearly that Peacham had attacked the Scotch language of the King; perhaps he had been charged with treason; perhaps charged with

have been his only offence. It matters little. The King will have him punished. But he has committed no crime—violated no law.

The punishment of an innocent man, in a legal manner, is a difficult thing. With James's views there should be no difficulty at all about it. A King ought to be obeyed, and if necessary, Peacham should be dragged out and burnt at his command, as the pickpocket was hung in 1603, or Bartholomew Legatt, and Edward Wightman were burned for Arianism in 1612. But a difficulty occurs: he must be clearly tried. The pickpocket was hung, being caught in the fact. The heretics were burned, according to law and royal prerogative, with the semblance and forms of justice; but to punish a man for no offence whatever, is difficult, even for an unscrupulous monarch. He applies, of course, to Bacon. Bacon sees no difficulty, at least none that an affectionate, loving, and conscientious servant of Majesty will not encounter and overcome. He sets about his task. The new year of 1614 and 15 is ushered in to this poor old priest with Bacon's prosecution on behalf of the crown. We find reference first made to Peacham in a letter to Mr. Chamberlain, dated January 1614-15. On the 19th of January, we find by a memorandum in the hand of Winwood, that he has been stretched. On the 21st, Bacon writes to the King communicating his result. That even with torture they cannot get the innocent man to convict himself in any way, or even make an admission, that by devilish cunning can be tortured into treason. On the 27th there is another and longer letter extant, showing how, to obtain a false verdict, the King's Attorney has tampered

with the Judges. All this month he is a candidate for the Chancellorship. He is suing for place. He is writing letters concerning the dying Chancellor's health to the King. This he hopes will be his reward. He received 1200*l.* blood-money for the death of Essex. The Chancellorship is to be the sequence of his torturing Peacham. At the same time, moreover, he is prosecuting Mr. Oliver St. John, at the instance of the King, for treason. Another case which will need investigation.

Mr. Dixon, with his usual recklessness as to truth, disposes of Peacham's case with happy flippancy. Two or three slanders, two or three inventions to blacken Peacham's character, and the case is settled.

This is what he has said :—

“ Not much has been left to us by the writers about Edmund Peacham ; yet evidence remains in the books at Wells and in the records of her Majesty's State Paper Office, to prove that he was one of the most despicable wretches who ever brought shame and trouble on the Church. It is there seen that he was a libeller. It is there seen that he was a liar. It is there seen that he was a marvel of turbulence and ingratitude ; not alone a seditious subject, but a scandalous minister and a perfidious friend. It is in evidence that he outraged his bishop by a scandalous personal libel ; and that he did his worst to get the patron to whom he owed his living hung.”

This is matter never before printed. It is undoubtedly original—that is its peculiar merit. It is Mr. Dixon's happy invention, and doubtless, had any stronger averment been wanting it would have been similarly produced. It cannot be charged that it is pure inven-

tion—that would be giving credit to the author of the slander for ability, as well as the disposition to malign; it is simply untrue and false as applied to Peacham. There is nothing “to prove that he was one of the most despicable wretches who ever brought shame and trouble on the Church.” Mr. Dixon is self-convicted of this untruth at the outset, for if he had been such a person, there would have been no need for Bacon to torture him, to prove him guilty.

I have simply to ask, Can any species of condemnation be too strong to stigmatize any such wilful slanderer and fabricator of untruths about the dead?

Peacham was the rector of Hinton St. George in Somersetshire, in the diocese of Bath and Wells. His case, as it has descended to us in the Law Reports, is this:—His house was searched, and there, amid a mass of papers, is found a sermon, “*never preached nor intended to be preached.*” This sermon or MS. contained expressions, as may be presumed from the interrogatories to which he was exposed, bearing on the King’s acts, the sale of crown lands, the laxity and deceit of persons about the King, his public officers, &c., his gifts to his favourites. It further appears from these also, that poor old Peacham believed himself a second Nathan to rebuke James; that he thought the royal infirmities ought to be exposed; that the King might be stricken dead in his sins like Ananias or Nabal; that to recover the crown lands to the people again would cost blood and bring men to say, “This is the lawful heir of these lands, let us kill him.” The possibly half-fanatic, or perhaps equally sincere old gentleman, who has been unhappily

... to the edge of
no doubt, as we hear ministers
breathe forth denunciations
sinners, when heated with enth
with the weight of their spiritu

These remarks, never uttered
stood, were the entire case ag
thing stronger had been known
Now, had Peacham "preache
have entitled himself to censur
punishment; but they can have
meaning of the statute of tre
King's death. Not having been
had no significance whatever; ;
any person that a man may writ
nor dares to utter, what his reaso
will prompt him to soften, or
actively officious and good-nature
the King, alleging that Peacham
which was

they found the paper containing the irreverent suggestions already quoted.

Can we suppose any infamy stronger than this—that an innocent man should be dragged to trial, not for some act which he had consummated, but for some act which he had never intended to consummate, and which, if actually put in force, would have been no crime against the statute? Could any nation be more deplorably situated, than one in which this was held to be law? Every man would be at the mercy of an informer; for with the disposition to punish, the means would never be wanting. Fortunately, English society was not in such a disorganized state that this could pass as law. Edmund Peacham, if brought to trial, it was known, could not be convicted. No jury would lend itself to such an iniquity. The judges would never rule such a prosecution possible in law. The old man had committed no crime with his maundering fribble-frabble. What was to be done? Caution him, one would suppose. No; the King was greatly incensed against him,* would have him hung or burnt, if possible. Bacon was trying for the Chancellorship; Bacon, of course, would get it done if he could. Two things were necessary; two acts of infamy preliminary to anything else. The first, that some evidence should be obtained that he had a treasonable intention, evidence of some overt act, by the Statute of Treason 25 Ed. III., as proof of his intention to compass the King's death. In the arbitrary days of Henry VIII., one or two persons had been punished for

* Chamberlain, Feb. 9, to Carleton: "The King is extremely incensed against him, and will have him prosecuted to the uttermost."

offences which only came doubtfully under this statute. But a special act of parliament had been passed for the purpose—the 25 Henry VIII., cap. 12. By this Sir William Stanley, chamberlain to Henry VII., was punished for saying that he would take part with Perkin Warbeck against the King's heir. But this was known at the time to be an arbitrary punishment and a forcing of the law, though a speech made dangerous, by the wealth and power of the person who spoke it.

In spite of the Editor of the 'Athenæum,' no evidence was brought forward to prove that Peacham was either a "seditious subject" or had in anywise manifested a treasonable intention. Had Mr. Dixon then lived, doubtless there would have been no difficulty in obtaining evidence. He would have found it then, as he has found it now. Lord Bacon, in all his zeal, could not. The point then was to torture the man that he might, under the anguish of the ordeal, criminate himself; it being a maxim long known and already in print, That men under torture frequently criminated themselves, though innocent.* So Peacham was racked. Here are Winwood's own words: "Upon these interrogatories Peacham this day was examined before torture, in torture, between torture, and after torture; notwithstanding, nothing could be drawn from him; he still persisting in his obstinate and insensible denials and former answers. *Signed* Ralph Winwood, Julius Cæsar, Francis Bacon, Henry Montague, Gervase

* Fortescue, see page 358. Burleigh had written: "The rack was never used to wring out confessions at adventure upon uncertainties." Somers' Tracts, vol. i., p. 211. This was an apology, in a condition of great religious intolerance, about five years before the descent of the Armada.

Helwysse, R. Crewe, Henry Yelverton, Francis Cottington. January the 19th, 1614." Two days after Bacon writes to the King, but nothing in his letter betrays the devilish work he has been personally engaged in. It is as mild and placid as ever. Bacon never betrays himself in his language; yet he indulges in regret at his act. This, of course, is a concession to his conscience. He has always a protestation and a virtuous sentiment at hand.

"It may please your excellent Majesty,

"It grieveth me exceedingly that your Majesty should be so much troubled with this matter of Peacham's, whose raging devil seemeth to be turned into a dumb devil. But although we are driven to make our way through questions (which I wish were otherwise), yet I hope the end will be good; but then every man must put to his helping hand, for else I must say to your Majesty, in this and the like cases, as St. Paul said to the centurion when some of the mariners had an eye to the cockboat, 'Except these stay in the ship, ye cannot be safe.' I find in my lords great and worthy care of the business. And for my part, I hold my opinion, and am strengthened in it by some records that I have found. God preserve your Majesty!

"Your Majesty's most humble and devoted subject
and servant."

The devil can quote Scripture to his purpose: "Yet I hope the end will be good." So some of the judges are for giving up this business; they will get into the cockboat, though there be a King to please. This will not do. The burthen of infamy must be shared, and shared to some extent it was. Bacon, however, was to reap the reward, was the prime mover and correspondent with the King,

...thing is at a standstill.
things, Peacham ought, being
liberated. This is not the Ki
be content with the evidence a
point. Will the judges suboi
oaths, work injustice, pluck d
where they should be most entl
wrong, and hang this man who
that Bacon may be made Lor
That is the matter in issue.

The judges at this time are a
pleasure. "*Durante bene placit*
do "gentlemen who live at hon
magic lying in the words, "*Ben*
they know how much liberty, tru
difference between a judge app
pleasure and one appointed dur
removable by Parliament and by
not all. The Star Chamber Co
... judge could ...

of the Star Chamber, with hopes of promotion, with eloquent pictures of the horrors of imprisonment, of the degradation of loss of office, of the infamy of attain in blood, of a ruined family, and a blackened fame. Eloquence rare as his, gifts of reason, persuasiveness of manner, blandness of expression are to be lavished on this end. If need be, the rod will not merely be threatened, but applied. A letter of Jan. 27th explains in part, darkly as ever, but still sufficiently for us, his purpose. The judges have been felt. Coke was disinclined altogether. He objects to this mode of taking opinions. Auricular, the stanch old gentleman in his uncouth phraseology calls it—auricular being law English with Coke for “earwiggling.” Serjeant Montague has been set upon Justice Crooke, Mr. Serjeant Crew upon Justice Houghton, and Mr. Solicitor, Bacon’s creature, with Justice Doddridge. This done, Bacon will speak then with Coke, or else if he speaks with Coke first, Coke will at once speak to the judges, and so mar the project. These three, Montague, Crew, and Mr. Solicitor were ordered to speak resolutely, as if they were certain of the law and the matter were determined. This plot answered ; Justice Doddridge was found very ready to give his opinion in secret ; that is, he was willing to lend himself to the infamy if it were not done openly. So was Crooke. Houghton, “who is a soft man,” was anxious first to confer, alleging that he was not acquainted with business of this nature. A wily adviser is Sir Francis Bacon !

He then proposes to the King that they shall then be made acquainted with the papers. “And if it were done as suddenly as this was, I should make small doubt of

... when I have in s
doubt, that he shall be left al

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Lord Chief Justice, a wealt
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The end of this letter, a lo
infamous than its beginning.

Bacon has in hand as well as
Owen; but it passes on to th
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other words, for the fines, to whic
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Bacon thinks the offer a good c
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thing in law, and dangerous; with "other words more vehement than I repeat."

"I replied in civil and plain terms, that I wished his lordship in my love to him, to think better of it, for that this was no such serious matter as his lordship would assume, but perfectly plain and fair; that it was no violation of their oath, but gave the King the opportunity of consulting with the judges, which of right belonged to them. Nay more, to deny the King counsel in this matter would be to violate their oath, which was to counsel the King without distinction whether jointly or severally. Whereupon I asked if it were in a matter of state at the privy council, would he similarly deny the King his audience? To this he answered, the cases were not alike, because this concerned life. To which I answered, that questions of estate might concern thousands of lives, and there were many things more important than the life of a man, as war and peace," &c.

Coke desiring to get rid of this wily and insidious counsellor, this serpent-like eloquence, desired Bacon to leave the papers with him for the present. "I said I would, because I thought his lordship, upon due consideration of the papers, would find the case to be so clear a case of treason, as he would make no difficulty to deliver his opinion in private, and so I was persuaded of the rest of the judges of the King's Bench who likewise (as I partly understood) made no scruple to deliver their opinion in private." Bacon was ready, as we see, with a lie at need. The judges had, as it is proved, all made scruple to deliver their opinion. One absolutely. But his wariness is seen in the parenthesis. He will tell the lie to

... would give an opinion
would be that it would
they doubted of it and
To this I answered that I
much, lest it might come to
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wrought." Bacon sends this
compliment to himself, and
subtlety was never carried
lead the judges, he may be
had caused the judges to op
prophecy. Is not this a maste
This is the end of his first n
But he has met him a sec
meeting is even of more import
with all the precedents. Th
to proceed on the statute 25 Ed.
compassing the death and fina
the King," but "to lock him

ed) 4-1-1

"These I insisted on with more efficacy and edge, authority of law and record, than I can now express."

Coke is not to be entrapped into this crime. His honesty is neither to be cheated, nor his intellect beguiled. He listens, takes notes, questions Bacon's interpretation of the law, and in answer to the insinuation that the King would think him backward if he did not give his opinion promptly, answered, that when the other judges had given their opinion he would be ready with his.

The letter concludes by pointing out another mode of raising money, as a qualification for the Chancellorship. The previous letter suggested one scheme, by confiscation. James is very poor, always in debt, will indeed do anything for money, so desperate is his need. There is now another plan which cannot fail to make so useful a servant profitable to the King. Some one has obtained a grant of a forest worth 30,000*l.* for 400*l.* under colour of a defective title. This is no other than Lady Shrewsbury, whose husband Gilbert has been brought before the Privy Council two years before, with a view to deprive him of his dignity in Ireland—a lady who might be fined in the Star Chamber for instance, to the tune of perhaps 50,000*l.* But Bacon has gained this knowledge extrajudicially, perhaps from the Lord Treasurer; and though he is willing to seem active by thus divulging a secret, would not wish it known, so he asks James to keep the knowledge from that nobleman.

CHAPTER XVII

JAMES recommended that in Owen's course of private coercion of the Judge allowed; for it was not clear whether dragged within the law, and so murder of justice or not. Bacon thinks (letter it is not necessary; that there is "su in his case, clearly proving that he v Peacham's case there was not, and that was contemplating, not punishment. He taken Coke apart again, and asked him "after the rest were gone," when "I told were ready." Another untruth. Coke v answer. Then Bacon concludes: "I have t in omnes partes." On the 14th February in, in his own handwriting, his opinions king with the comments

either to criminate himself or others, "neither doth Peacham alter in his tale touching Sir John Sydenham."

By way of illustrating how unlucky Mr. Dixon's invention is, and that his fabrications do not unfortunately, or by good luck tally with history, here is his version.

"How Peacham lies and swears, now accusing others, and now himself, anon retracting all that he has said, denying even his handwriting and his signature, one day standing to the charge against Sydenham, next day running from it altogether; how he is sent down into Somersetshire, the scene of his ignoble ministry, to be tried by a jury of men, who will interpret his public conduct by what they know of his private life; how he is found guilty by the twelve jurors and condemned by Sir Lawrence Tanfield and Sir Henry Montagu, two of the most able and humane jurors on the bench; how his sentence is commuted by the crown into imprisonment during the King's pleasure, and how he ultimately dies in Taunton jail, unpitied by a single friend, I need not pause to tell."

A witty modern writer in going through Covent Garden Market heard a man, vending asparagus, point it out to the notice of the crowd with the recommendation, "That them ere is a hexcellent grass." It struck him that the sentence was unmatchable, in pronunciation and grammatical construction, as an example of incorrect English. Perhaps it is. Similarly I will aver that a statement containing more wilful misstatements and more ignorant misstatements, cannot be produced in literature. In the first five lines there are no less than nine deliberate inaccuracies. The truth of the rest of the sentence I will presently test.

But we have it in Bacon's own hand repeatedly, that it was impossible to make the man contradict himself.

On the 9th or 10th of March Peacham is again racked, stretched, as Chamberlain pleasantly calls it. In all the agony of torture he does not swerve from the main facts; he denies, however, that the writing was his—whether with truth or without, cannot, alas! now be known. Perhaps the sermon was not in his own hand—had been merely foisted into his study by a spy and an informer. One of the witnesses, perhaps the only witness, against him, is examined again on the 10th. He states that what he has already declared about Peacham before the Lords of the Privy Council, before my Lord of Canterbury, “was wholly out of fear, and to avoid torture.”

This man knows so little of the unhappy victim of his accusation as to be able to affirm only that he was tall of stature, and “can make no other description of him,” and finally denieth to set his hand to this examination. So, although Bacon with his tools, Crew and Yelverton, have found an informer to their purpose, they cannot get him to effect what they want.

In King James's own hand there is a statement of Peacham's case. From this it appears that the sermon containing the alleged treasonable passages was found with a mass of other papers in a box without a lid; that, though Peacham confessed he might preach it in the end, yet it would only be after “all the bitterness had been taken out.”

All Bacon's efforts so far have been of no avail. To frighten the old man, perhaps actually to torture him, what Bacon calls a false fire has been made in

the Tower, "as if he were on the point of being carried down" to it. Whether a large fire, as if he were to be immolated, so as to extort a dying confession, or whether it was merely some new torture which was really applied, cannot now be known. And the rumour is getting abroad—for men cannot keep counsel—that the old man is being murdered, that he did not commit treason, that the case is not treason; therefore Bacon would have it given out constantly, and "yet as it were a secret," that there is no doubt about the offence, and that whereas the doubt is that "first, there is no treason in the words; second, that he perhaps never wrote them: that it is a question of the publication that is the difficulty." In the letter in which this sentence is contained, Francis Bacon confesses that he is at last at his wits' end with respect to the man. He can go no further in it, having exhausted every means; notwithstanding he has turned it over in every way, being unwavering in zeal.

The letter again concludes with a suggestion of pecuniary relief, at the expense this time of a Mr. Murray, apparently by defrauding Mr. Murray out of his just right to the Northumberland estates, as coheir of Thomas Earl of Northumberland.

"Mr. Murray is my dear friend; but I must cut even in these things, and so I know he would himself wish no other."

Alas! what a rare and noble public spirit; how unlucky that it should clash with private friendship! So pious, patriotic, and holy a devotion, it is indeed a cruel fate which subjects it, to such sacrifices!

Bacon has exhausted his means. Coke and the judges have resisted, and resisted triumphantly. Peacham can-

of a packed jury, to get
iniquity was perpetrated.
vile Tanfield and Montagu
ton were his accusers. Ag
by seven knights of the shire
purpose—Bacon himself sup
packing—the old man was fo
wretch, his spirit undaunted,
to uphold the truth, his limbs
life made a labour and heavir
four months after his torture,
ment is afraid even then to h
in his cell, and in the followi
that mercy which was denie
release from his persecutions an
Mr. Dixon says, unpitied by
the sacred names of justice an
this? Wherein can any benefi
from such gratuitous

but surely nothing can be more terrible than its cruelty—nothing more terrible than its naked barbarity. But as a precedent, as an example, how much more weighty, how much more dreadful does it become !

Let us for one instant pause to consider the enormity of tampering with the judges. Apart from the cruelty of the act of torture ; apart from the unjust verdict ; apart from the prolonged cruelty of his imprisonment ; apart from the final murder of an innocent man ; let us for one moment think of the horrors which must ensue from such a mode of defeating justice. “Wo unto you, for I have covered the faces of the judges,” is the awful curse. It is to stop justice at the fountain-head ; it is to overturn every man’s liberty, every man’s safety. It is to render every subject subservient to the King, to the utter perversion of truth and right. And all this tremendous machinery was put in force to secure the conviction of one feeble old man, who in the course of nature had but a few years to live. To secure one man’s conviction, and Lord Bacon the Chancellorship.

Mr. Dixon’s remarks on this case display his usual folly, his usual flippancy. He in his ignorance really confounds, or in his duplicity pretends to confound, this case of tampering with the judges, with a “consultation” with the judges. If Mr. Dixon had ever been grounded, ever so little, in law, in the merest rudiments, he would have read, in the Reports and in the State Trials, and therefore have known wherein the difference consisted. If he had ever looked into the Institutes he would have seen there the distinction drawn. He would not then have attacked Lord Campbell ; he would not have been under

dalous and most unusual."

Lord Campbell has not said
is probably another instance of
What Lord Campbell said was thi
fore first began by tampering with
by an extra-judicial opinion," a ve
his censor could hardly have failed

Although all writers on legal and
have declared the case singular and
Campbell's critic says: "The scan
doubt, their frequency is beyond
proceeds, in his peculiar cockney En
to talk about "the statutory bearing
What the statutory bearing of a
hard to say; but this is certain, wha
never before were tampered with, to
the same manner, as Mr. Dixon wo
he mastered the elements of legal re
he would find an allusion to

Dixon, to fortify himself, suggests that Macaulay is as ignorant as Lord Campbell—that that eminent historian has said “there is no instance of the crown privately consulting with the bench.” I can find no such passage in Macaulay, and challenge Mr. Dixon to substantiate his statement. Macaulay says: “He was guilty of attempting to introduce into the courts of law an odious abuse, for which no precedent could be found.” An undeniably accurate statement. On this the critical Editor observes: “Why, the law books teem with precedents. One will serve for a score. It happens, indeed, that there is one precedent, so strange in its circumstances, and so often the subject of legal and historical comment, that it is amazing how it could have slipped the recollection of any lawyer, and most of all a lawyer writing of the times of James I.” Wise Mr. Dixon! wonderful in knowledge, so profoundly superior to Macaulay! The learned Editor of the ‘Athenæum’ then proceeds to cite the case of Legate, burned for heresy, and, pleased with his wondrous discrimination, adds in a sentence emphasized by being printed in a line by itself—

“This is the precedent Macaulay seeks.”

There is no proof that the judges were tampered with in Legate’s case; they were consulted with, of course, because the law was very nice on the point. Statutes for burning heretics had been made and repealed, and the power of the King to burn his subjects for religion’s sake, was somewhat in doubt.

The monarch retained a prerogative right to issue a writ, *De comburendo*: the point was whether Legate could be burned by the statute, or only by the common law.

As a further instance of Mr. seems to consider that Bacon was custom in applying the torture iniquity of the act was unhappily in stance that Bacon revived what h act, and contrary to the spirit of th was the law, as expressed by its great what man is there so stout or resolu through this horrid trial by torture cent, who will not rather confess kinds of wickedness, than undergo second time?"*

Lord Burleigh, Sir Thomas Smit clared its impolicy and folly or ill had said, *that all tortures and torments were directly against the common law* again, to prove that this illegal inhuman and unpolitic barbarity w
: censor indulges in

“out heresy in the flames of the Quemadero, as the Council of Ten tracked treason in the waves of the Lagune.” These handsome generalities in such fine language, which mean nothing, are no answer to the fact that Bacon, in *defiance of law*, used torture at a time when the feelings of men were opposed to its employment.* That the heinousness arose from the peculiar fact that the man racked was an innocent man. The flames of the Quemadero or the waves of the Lagune are no answer to this. Faux was racked, but there was no doubt he had intended the perpetration of a great crime, for he was caught in the act, and all laws have allowed more prompt retaliation to crimes detected under such circumstances. But even Faux’s punishment was illegal; it was one of James’s own tyrannies. Like all the Stuarts, he had an unhappy predilection for cruel and sanguinary punishments; Charles I., Charles II., James II., were all inclined to the mutilation of their subjects. Ear-cropping, nose-slitting, branding, were never so rife as during the Stuart dynasty. He was present at Faux’s own racking. He was cognizant of Peacham being tortured. Like many cowards, he was fond of inflicting pain. But the crime in Bacon was, that being law adviser to the crown, knowing well the moral enormity of the act—for he himself pretends to have saved a man from racking in Elizabeth’s day—he should actually break the law, to commit so flagrant a cruelty for his own personal ends.

Mr. Montagu adopted the lenient view that cruelty was general in Bacon’s day, and that he was no worse than the majority of men. No doubt the tender feelings of to-day are

* On Torture, vide Appendix.

inclined to judge harshly the acts of that. There was a barbarism in the sports of the populace, not now permitted by law. But among educated men cruelty was then held in as great abhorrence as now.* As usual, the author of 'The Personal History of Lord Bacon,' is prepared with his characteristic logical acumen to prove that torture was a matter of course—in proof, "that the ballads sung in the street were steeped in blood; that Hamlet, Pericles, and Titus Andronicus were the Shaksperian favourites." It is not obvious that ballads steeped in blood bear specifically on the legal existence of torture; but it is a fact that the ballads of Elizabeth's day were not more sanguinary than those of to-day. To argue from the fact that 'Hamlet' being a favourite play, the rack was a legal instrument, is a species of philosophic deduction, to which the feat of ingeniously deriving pickled cucumbers from King Jeremiah is a mere commonplace.

Pericles was no such favourite as Macbeth or Othello. The age was coarse. Religious intolerance was strong. Punishments were usually severe. The form of law was neither so exact, nor so well framed for the protection of the subject as to-day. But undeniably Bacon was guilty of an exceptional act of cruelty, all the more disgraceful that he was a man who must have been eminently cognizant of its turpitude. Being in defiance of that Law, that he as a lawyer was bound to uphold, and perpetrated on a man whom he knew to be innocent, it was simply execrable.

* On this point see Ascham's 'Schoolmaster,' and the opinion therein expressed, on the treatment and discipline of children, by several statesmen of the time, circa 1550. It will be seen that educated men were as averse to cruelty then, as now.

CHAPTER XIX.

WE have seen already that the reign of James opened a struggle on the side of the people for liberty, on the side of the monarch for prerogative. Singularly, there was no form of that prerogative more particularly odious than another on which James did not, either from necessity or inclination, insist. His continual gifts to his needy favourite and his thriftlessness kept him poor. This necessitated a recurrence to indirect means of obtaining money. The parliament limited his allowance. He always exceeded it. He was consequently in the position of any other spendthrift, of being compelled to borrow. This resource failed, and it was then left for James to do, what a private individual could not do—extort money from his subjects by illegal means. By inclination he was a great stickler for the letter of Prerogative. By pecuniary necessity he was bound to push the powers of the crown beyond all limit. All the feudal rights which had fallen into abeyance were enforced with renewed vigour. But with the adoption of all the devices and abuses of his ancestors, it was necessary, if possible, to invent new modes

money ; but he would have well knowing that while and, moreover, knowing that by fair speeches, by eloquence and his system of unmeans. James did not like with his absurd notions of K money by the high hand and estates of the realm ; by knighthood, as we have seen by fines in the Star Chamber illegal assessments.

Now, a mode of raising a Benevolence had been an a for two or three hundred years was an old evil that had been by Monarchs as they were needy, or extravagant. But in obtaining money. It was again

would be punished for denying. It was the request of the footpad, who politely requests you to present him with your money, but who submits the other alternative, injury to your person. It was no more a Benevolence than a threat of your money or your life is a benevolence. Men had been Star Chambered, imprisoned, sent out of the country, and like Uriah put in the front of battle—for refusing. The evil was so monstrous, the abuse so flagrant and so well known, that a statute had been made as far back as Richard III.'s day, declaring all Benevolences null and void. They were rank impositions all. The consequence was, they fell somewhat into disfavour. Henry VII., with his inordinate avarice, revived them, but only to a limited extent; so did his son, Henry VIII. Once or twice during her reign Elizabeth had had recourse to them. But the dangers to the state were imminent; her needs large; her enemies terrible; and the people gave with willingness.

For it must be confessed, a gift demanded in time of peace, assumes a much more flagrant aspect than one merely asked to meet immediate, urgent, and otherwise overwhelming necessities. James being at peace, calling no parliament, was induced by his advisers,—from the evidence it would seem, at Bacon's own instance—to levy a Benevolence. From end to end of the Kingdom the attempt excited discontent; but, as usual, no man felt inclined to throw himself forward to be the first victim of Royal wrath. As usual, many murmured—and paid. Precisely as in the illegal attempt to levy ship-money by Charles, the burden would have been sustained, but for one man being willing to sacrifice himself

The consequence was grievance to those of a papers, a rising in Taun men of Lincoln, for th and consequently little consequence, isolated, de liable to be attacked and tion, whether moral or phy local political agitation dan political agitation, was all account for the terrible in by James and Charles, and with impunity. At the sa danger of refusal, made t dangerous and serious, for to go forward—the danger effectually prevented return.

At last a patriot was fou into the breach. His name w

parliament. He was a lawyer, either by profession or as part of his education. He was fully aware of the illegality of the King's act. Thoroughly informed on this point, he rebelled against the exaction. He, if no other, would come forward, would contest it. He wrote a letter to the Mayor of Marlborough, stating, in very moderate language, the legal reasons why such an imposition was illegal, and as, being illegal, improper. His letter is printed in the 'Cabala,' and is copied into the State Trials, and may be inspected there by any person. It commences by stating,—

“That this kind of Benevolence is against law, reason, and religion. 1st. The law is in the statute called Magna Charta, 9 Hen. III., cap. 29. That no freeman be anyway destroyed, but by laws of the land. That it is against the statute 25 Ed. I., cap. 5 & 6, that any free grant or aid be taken by the king but by assent of the realm, and for the good of the same. And in the 1st Richard III., cap. 2. That the subjects and Commons in this realm, henceforth shall in no wise be charged by any imposition called a Benevolence; and that such exaction shall be damned and annulled for ever.”

This is the tone of the letter, this the nature of the remonstrance. It cannot be declared turbulent; yet Mr. Dixon, bent on misleading his readers, declares him the O'Brien or the O'Conor of his day. St. John simply demurred in temperate manner, to a lawless exaction. But again the Editor of the 'Athenæum' attempts to heap infamy on the dead; again invents slanders; again creates obscene falsehoods to blacken a virtuous memory. He declares him “the Marlborough Bully,” and “an

... the lower, turn
crouching prisoner in disgust.

This is again hyper-history.
the fact. It is opposed to the
ever turned from him in disgust
or groaning to be let out.
penitential letter to the King
been fined 5,000*l.*, asking for
more abject than many of his
when in the height of his power
man. Oliver St. John was not
noblest martyrs are made, cer-
proved his independence of spirit
handed against regal oppression
on low diet, in fear of torture
is being racked near his cell.
Overbury will soon after meet
should have supported him, his
courage gave way. Many men

all, for those who will sacrifice nothing for him? He has been twelve months, or even more, in prison, and he wishes for release. He does not recant anything he has said. He does not fawn, he does not whine—he petitions humbly, as prisoners do. There is nothing in history against his fairest fame and honour, except the humble spirit of this letter, the whole of the offence of which is comprised in one sentence, which may arise from error of judgment. Yet Mr. Dixon has not only dared to falsify everything concerning him, but employs the harsh phrases I have indicated, further to blacken him.

While Peacham is in the Tower, this Mr. St. John and Owen, charged with treason, are also awaiting their trial. Sir Francis Bacon has plenty of business on his hands. He writes to the King almost daily. The Chancellor is expected to die. Peacham has to be racked and examined. Witnesses against him obtained. Letters written to his diocesan. Owen to be enmeshed in the toils of the law. Indictments have to be framed; the judges coerced; the King to be informed of progress; Oliver St. John to be punished with some show of law: here, indeed, is occupation worthy of the mind of Bacon. Feb. 7th, Bacon expresses a wish that Peacham were first settled and done with, because “that would make the example upon St. John to stand for all.” On the 11th, he writes concerning Owen, and what he has done towards proving it treason. On the 12th, to say, “Your worthy Chancellor, I fear, goeth this day. God hath hitherto used to weed out such servants as grew not fit for your Majesty, but now he hath gathered a true sage out of your garden; but your Majesty’s service must not be mortal.”

another place. And, lastly, I
mounters for your Majesty's sake
Hubbard, you shall have a judge
council board and another at the
Majesty will find your Prerogative
Lord of Canterbury, I will say no
place requires a whole man. And
spiritual and temporal in that heigh

There is no modesty about S
about blasting other men's charac
scruple, like Richard the Third, an
passionless, straight to his point.
men. He simply would brush them
well balanced is the last sentence to
terbury! no waste of words, but
that he might be a dangerous subject
Lord of Canterbury much better th
have more of this wise defamation by
needs to give him

the warrants and commissions prepared—everything, in fact, to enable him to step into the dying man's shoes. But he is not dead yet ; gets better directly. Indeed, the wish was father to the thought. Nor is he to die for two years, so that Bacon will have still some time anxiously to wait.

At this time, moreover, to add to Bacon's labours, a quarrel has sprung up between Coke and Ellesmere, the Chancellor, as to the superior jurisdiction of the Court of Chancery. Bacon, of course, sides with the Chancellor against Coke ; and on the 15th of February—that is, three days after Bacon wrote his last letter—there is an allusion to the quarrel in his correspondence. In this letter—that is, of the 15th—printed 35 Vol. XII. of Montagu, I am compelled to place a very harsh construction. I regret it the more that the meaning is not obvious, but doubtful—very vaguely expressed. But after careful consideration it seems open to the imputation of suggesting that, as Ellesmere is recovering and likely to be soon out of danger, and as the quarrel continues, it were better for the cause of justice that another Chancellor should be appointed. Directly, of course, it does not say this. It is not likely that it would. Such a step would neither be consonant with Bacon's nature, nor wise under the circumstances. The step would be perilous. It hints merely that while the sickness of the Chancellor is mending, the sickness of his court is getting worse ; and that the cure of the one will be easier than the other. He then hoped that community of service would have hindered his Majesty's servants from quarrelling. " But pardon

among other things, a
be disgraced at this time.

This letter contains a
the style already indicat
pretending to no animos
disparagement. "Lord
the insult thus thrown
slight given to Chancery,
a personal matter, though
error was rather that he
manner. At the same time
at the time he was supposed
"Nor should the defiance
is the court of your absolute
only in some formal atone
your prerogative, according

How basely, how slavish
ously to his oath, Bacon he
violation of the law, and to

example against the presumption of a judge, in causes that concern your Majesty, whereby the whole body of those magistrates may be contained in better awe," the example being bettered, spite of any injustice to the individual, by such a person being "rude (like Coke), and that no man cares for."

If the King should doubt his power in such a case to punish a judge for giving an adverse verdict, for being just; in opposition to his own interest, for being honest and upright, Bacon knows of a precedent. He will not say that there be any in fault (God forbid!), yet he thinks "that the very presumption of going so far in such a case worthy of a punishment once before applied; the judges having once, to answer before Elizabeth on their knees, and Lord Wrey, being then chief justice, was deprived of his dignity, and stripped of his robes;—"slipped his collar" is the Baconian phrase. This admirable suggestion, and doubtless, in Bacon's eyes, "excellent precedent," deserving, like many others from the same source, to be enshrined in Machiavelli's Prince, winding up with the advice, emphatically expressed, that the King should keep the judges in their places, limit their jurisdictions, and punish them for contumacy.

St. John was tried on the 15th of April, 1615, Bacon prosecuting as Attorney-General.* In his duty as advocate

* It will very possibly be found that one or two of the letters in this book have been attributed to a year preceding or succeeding that in which they were written. On this point no previous biographer serves as a guide. In Lord Campbell and Mr. Montagu, occurrences are placed as transpiring in different years, which are actually alluded to in the same letter. Twelve months is presumed to have elapsed between the trials of St. John and Peacham and the Chancellor's illness,

he is bound to urge everything that he can against Mr. St. John ; but he in no way impeaches him either in reputation, character, or fame. He states that he is, "as it seems, of an ancient house and name ; his offence, that he hath upon advice—not suddenly by his pen, nor by the slip of his tongue ; not privately, or in a corner, but publicly, as it were, to the face of the King's ministers and justices—slandered and traduced the King our sovereign, the law of the land, the parliament, and infinite particulars of his Majesty's worthy and loving subjects. Nay, the slander is of that nature, that it might seem to interest the people in grief and discontent against the state. Whence might have ensued matter of murmur and sedition. So that it is not a simple slander, but a seditious slander, like to that the Poet speaketh of '*calamosque armare veneno,*' 'a venomous dart that hath both iron and poison.' "

This is the opening. After some irrelevant matter, he proceeds to say that this Benevolence is not a Benevolence pure and simple : "You may take it, if you will, as an advance or provisional help until a future parliament, or as a gratification simply, without any relation to a parliament ; you can noways take it amiss. The letters were

yet Bacon, in a note to the King, speaks of both as pending. By Mr. Montagu's mode of editing the letters, confusion is even worse confounded. Indeed he seems to have given up the task of arrangement in despair ; while the frequently incorrect dates he has assigned have much increased the difficulty of followers in the same path. As a consequence of all this irregularity, it is difficult for any one to ascertain whether Ellesmere was once or twice at the point of death. Lord Campbell fixes his illness in 1616 ; yet Bacon's letter of January 29, 1614, vol. xvi., p. 165, Montagu, mentions his imminent danger, and this is merely one of several instances.

rather like letters of news, what was done at London, than otherwise; and we know 'exempla ducunt, non trahunt,' examples they do but lead, they do not draw nor drive. The third is that it was not done by commission under the great seal; a thing warranted by a multitude of precedents, both ancient and of late time, as you shall hear anon." The fourth and fifth reasons are, in effect, that being a Benevolence, the gift was not compulsory, a mode of reasoning as old as the iniquity, and which the statute of Richard was specially framed to meet; that it was by letters of the council, and not by letters patent under the King's seal, and further draws a distinction between Benevolences that were exactions and Benevolences which were free gifts.*

Now it would take, undoubtedly, a great deal of eloquence to persuade men that letters asking aid, in the form of a Benevolence, were like letters of news. But the language throughout is temperate, and, as Bacon's manner is, courteous. Once or twice he does, of course, as might be expected, stigmatize the paper as a slander and as a wicked calumny against the King, but there is nothing to depreciate the character of St. John, no such charges as I have adverted to, as having been recently made. In fact, only sufficient attack, to secure a verdict, and prove the man a criminal, for what was wanted was not so much punishment as example, "discipline," to produce terror in others.

I may here, as a rather amusing circumstance to again relieve the tedium of this dry book, allude to another effort of the Author of 'A Personal History of Lord Bacon,' to

* State Trials, vol. ii., p. 902; Montagu, vol. vi., p. 138.

... have felt for thi
Bacon knew that the
stand for an instant, and
formation for writing and
The whole trial was unco
Chamber, an unconstituti
Charta. It was not a tr
There were no witnesses;
thousand pounds for the k
the disaffected. There wa
of Benevolences, for the
before the man was tried.
would have been doubtful, in

In the same year Bacon pro
Weston, Anne Turner, Jan
Elwes, for the Overbury murc
Northampton, Somerset, and
justice in those days, contri
wretched subordinates were du
ards Earl of ...

chance, but from the fact that James had now another lover, George Villiers, a younger son of Sir George Villiers and Mary Beaumont, born in 1592. In 1613 he had been taken into the King's household, being appointed cup-bearer. From the day that James first saw him, Somerset's fortunes had declined. From some fear, however, of that personage, who held some secret inimical to James in his bosom, which has been differently attributed, but which undeniably existed, he did not discard him altogether, but temporised merely. The Overbury murder gave an excuse for his final disgrace, the more so that Coke had already obtained a large amount of evidence implicating Somerset and his wife, which, as he had alluded to it in open court, might be difficult to conceal or thrust aside. The King was now fairly off with his old love, and on with his new.

Somerset had been of parts too contemptible to be a dangerous rival, or even a useful patron to Bacon, since his rise in favour and friendship with the king. Villiers, on the contrary, speedily showed himself a courtier dangerous to Bacon's vast ambition and dearest hopes. Bacon knew what a King's favourite was. He knew the danger of crossing such persons. He was in no state yet to be the sole and prime adviser of his monarch, nor even on sufficiently friendly terms to be first at court. We find him, therefore, paying early court to this boy. In 1615, when Villiers was not quite twenty-three, we find him writing to solicit his friendship and aid. In a letter published by Montagu, with the date February 10th, 1615, but which is possibly February, 1616, as it alludes to the Chancellor's ill health, he writes in terms of familiarity

July 26th, we had
of Coke.* Two days at
Villiers, to be appointed
benefit himself but the s
that I have no greater
King showeth himself to
be found your best servant
that as the Chancellor is i
his motion to assist him
letter of the 27th was a re
that heaven helps those who

Meanwhile James is wor
draw the strings of preroga
at the curb, till the horse re
serious business of James's
ments—to get money by pr
is dependent on the other.
framed, that shows the popu
only called by James to g
ed. Rec—

no way. As Saturn's ring he is "never close, though ever nigh." Hope increases while it satisfies the appetite. There can be little question that for his own good, happiness, and ambition, and for James's own benefit, that is, comfort and peace of mind, Bacon would have been the best minister he could have had. But Providence for humanity's sake ordained otherwise. Bacon will plot and contrive to make money for the King, will fetch and carry ; will make his Master famous in history, torture his enemies, but he will never be Prime Minister. When the apple is within reach, a boy of eighteen, on the strength of a pretty face and a handsome person, with a strong will, good courage, and active mind, will come in and snatch the fruit from his grasp.

From Francis Bacon's Attorneyship to the peerage, James rules as prime minister without a Parliament. Now would Bacon's genius shine. Yet it cannot be. His wish is granted, and as so often happens, it is granted fraught with ruin. 'Tis the fable of Phœbus over again. He hopes to drive the Parliament: it becomes restive, furious, turns and crushes him.

The acute reader will perceive that there is so much poverty of intellect between James and his great Attorney, that they have often the same image in common. The King says he is "like a mirror to the people ;" Bacon protests that "the house is a mirror to the King"—such grace is it to employ a King's phrases. The image has done a great deal of work, has been shuffled backward and forward till neither Francis Bacon nor James can tell to whom it belongs. The Monarch thinks it his, and that Francis Bacon is his scholar. Mr. Francis Bacon knows

... is to be t
The King daily c
Judges kept in order,
in great part the arbi
Exchequer to punish
persons, in other word
superseded the regular
Bacon is very anxio
can then help the King
own reasons, written in
"Sure I am there neve
King's Attorney to be w
you, to wear a gauntlet
ments, when they proce
the contention between t
the great cause of the 'r
cious to the King's Prero
concern the King's revenu
So the French proverb of t
& after all. perhaps

of great importance, be allowed to plead. No letter praying for these last concessions exists ; but doubtless it is at his own suggestion, in order that he may the better serve his Majesty. He, consequently, from this time may be considered as turning his back on the law, and as becoming a statesman, but following the law as a pastime. Affairs of state being henceforward his chief employment. To the perseverance, the unanimity of effort, heaven has at last decreed the reward of early aspirations fulfilled. He is henceforth a ruler among men. In a short time he will be Chancellor. Then having gained all, he will be happy. His early hopes are crowned. This is man's belief. Certainly ; if the gods out of our pleasant vices do not make whips to scourge us.

Before entering the council and finally giving up practice, fortune grants him one more favour. He is prosecutor in another case of duelling. With such a case his services as public prosecutor, attorney-general, and direct servant of the king, commenced ; with such another case they will end. Two years before he had prosecuted Mr. William Priest, for sending a challenge, and a stick which was to be the length of the weapon, and had obtained in the Star Chamber for the king's treasury, 500*l*. The messenger Wright being fined as many marks. The valiant Mr. Hutchest, who declined the challenge, having the gratification of seeing them both fined. In July 1616, he prosecutes Mr. Markham for the same offence, for sending a challenge to Lord Darcy.

James has a hatred of fighting. His motto shows his distaste for war in any shape. But his fear of deadly weapons, shown in his shutting his eyes at the unsheathing

...str
tices. Thus as is c
prejudice rather than
than policy. The real
is dead. Jousts and to
There are no Saracens
to uphold. Castles are
men and retainers. Th
chants and traders hav
proud and jealous Spani
'duello,' which the Itali
the rapier, has made
an Italian invention ha
The Englishman has ado
beyond the seas to swag
London ordinaries. The
But certain men still think
this barbaric argument in
ones demanded by civilized
ment of James in

monarch's arm has been over him in his council; he carries his picture in metal over his heart, and deeply graven in his heart. His royal patron calls him—so faithful is he—his "good husband;" declares that he has a glozing manner, bears himself "*suavibus modis*," most after his own heart. The zealous servant protests that these praises are his food. If the entertainment is Lenten, Timon's self might be gratified at its fitness.

But the people—How stand they affected to Bacon? He has now for many years played double courses successfully. He has never grown very unpopular. He has about him all those attractions and graces of manner which are much more effectual in winning the popular breath, than any virtue hidden under a churlish exterior. It is true the world is wise, and gives its praise and popularity where it neither gives its love nor worship. Essex was loved by the people. When he died a whole people was estranged. Men cried ballads up and down in defiance of law, and punishment, and the jail, that told about the noble Earl. They revived his memory in a thousand forms. They framed a narrative false as may be, answering to the Eidolon they had set up in the sanctuary of their own hearts. Like the false god made by Micah, it is a little one put up in their own tent, but is much prayed to. They declared that Essex was murdered. That Lady Nottingham betrayed him. That the Queen and Essex were lovers, and that when one died, the other pined broken-hearted away.

Francis Bacon has no such sympathy of warm hearts. When he falls no man will pity him. No friendly hand will be stretched out, no letters written by loyal friends,

he has no sympathy
Once, many years ago
in his "salad days,"
But his eloquence did
people, of a wretched
a nation groaning un-
semblance of sin, and
pant like escaped beasts
oppression, of unnatural
Once after, he sighed for
sigh softened by policy,
The image recurred to
It came not from his heart
which a second-hand ex-
pleading from his heart
would have urged it in
have looked at it through
age has even dimmed his power
with humanity. Statecraft

thing propounded in Bacon's philosophy. Bacon's practical measures have brought it nearer. The briefless barrister is now a privy councillor of the realm. Thwarted often, driven back on himself, he has persevered, alike through good and bad report. But as his heart has grown, if possible, colder, the world of shadows has been elevated above the world of fact. He has come to despise men. To scorn dishonour ;—the profoundest degradation, even the supremest contempt of his fellows, in his race for visionary happiness and power.

His own notion of Honour has in his *Essays*, of the Edition of 1597, been expressed :—“If a man perform that which hath not been attempted before, or attempted and given over, or hath been achieved, but not with so good circumstance, he shall purchase more honour than by affecting a matter of greater difficulty or virtue, wherein he is but a follower. If a man so temper his actions as in some one of them he do content every faction or combination of people, the Musick will be the fuller.”

He has also given us his estimate of the greatness of princes, and of subjects. “That founders of states are first ; next lawgivers ; then liberatores ; fourth, propugnatores imperii, or princes who enlarge their means by battle ; fifth, and in the last place, fathers of their country—*patres patriæ*—which reign justly, and make the times good, whenever they live.

Bacon's theory is Pagan not Christian ; it is derived from poetry, not from the Testament. *Æacus* is greater than *Gaius* or *Ulpian* ; *Agamemnon* than *Socrates* ; *Romulus* than the Saviour. He does not believe that

The first edition of B.
They were then only t

1. Study.
2. Of Cause.
3. Of Ceremoni
4. Followers and
5. Suitors.
6. Expense.
7. Regimen of H
8. Honour and R
- 9 Faction.
10. Of Negotiating

In 1606, they were rep
tions. In 1612 he publis
to his brother-in-law, Sir
intended to dedicate them
was frustrated by that youn
The Essays were increa

again appears, enlarged and amplified. The adventurous barrister is now advancing, but when he has attained the summit of his ambition he will write :—"It is a strange desire, to seek power and to lose liberty ; or to seek power over others, and to lose power over a man's self. *The rising unto place is laborious, and by pains men come to greater pains ; and it is sometimes base ; and by indignities men come to dignities. The standing is slippery, and the regress is either a downfall, or at least an eclipse, which is a melancholy thing.*" This is place in contemplation—as seen retrospectively. What it is in prospect we will again trace. He has suffered, yet how much more grandly does the poet rise on his theme—the poor manager, the *quasi* butcher's son—when treating of the fall of Wolsey !—

"Cromwell, I charge thee, fling away ambition ;
By that sin fell the angels ; how can man then,
The image of his Maker, hope to win by 't ?
Love thyself last : cherish those hearts that hate thee ;
Corruption wins not more than honesty.
Still in thy right hand carry gentle peace,
To silence envious tongues. Be just, and fear not :
Let all the ends thou aim'st at be thy country's,
Thy God's, and truth's ; then if thou fall'st, O Cromwell,
Thou fall'st a blessed martyr."

Bacon has aided the King in every unconstitutional measure which has been attempted. In the monstrous attempt to sustain the system of plurality of livings. By which one dignitary can engross to himself the incomes of several men, and perform only the labours of one. By which spiritual ends are made the mere subject of pecuniary benefit, and the work of the Church slighted to make profit to those, whom the King delighted to honour. He has been the

get only by
How far this cou
be seen.

In that very Essa
thinks the greatest si
King—Prime Minist
The third the favouri
bassadors, and those
with sufficiency. He
none for men who star
for tribunes of the peop
Even calamity does
his notions are the
Othman, Ishmael, he p
notions are pagan.
sance rather than the o
Norse, and his art is
sition, more pagan th
wholly classic. He wil
even a Cl...

force, by inherent strength alone—had men been content to follow its precepts—would have permeated the entire universe of men. Fused all national creeds and distinctions into one. Destroyed all differences of law, and colour, and race. Not even for the apostle of truth dying for his love of truth, Socrates, has he a word.

Francis Bacon is a worldly man. Utility is his highest good. The end of all his philosophy and practice. And the direct path to his worldly goal, be it ever so dirty or so dangerous is utilitarian. Untinctured by remorse, or love, or honour. It has for its objects money and power. And 'tis this path, he consistently pursues.

He has been travelling skyward fast, and has at last distanced his old rival Coke, and soared above him. From above, like the hawk, he contemplates his rival of weaker wing. His brains have broken down the disparity in law—the disparity in age. Coke knows ten times more *law*. Sir Edward is near ten years older. But Sir Francis has followed a better course for worldly gain, and has by worldly philosophy, by power of wing, beaten him.

The great Chief Justice has been disgraced. Bacon's triumph is consummated. He has not merely procured Coke's dismissal from office, but has had himself appointed expurgator to his Reports. These he himself has declared matchless in value, but has also privately informed the King that they attack his prerogative. First in indecency, first in malice, first in meanness, he is prepared to undertake the task of their reformation. Some passages are purged away. The Reports are destined to be law in England. They are Lord Coke's statements of cases that have been adjudged in the law courts, with notes by

...ication or the la
lutely, but it is really

He held Coke first
when the harvest was
advantage, and strik
missed. When term
Chancellor Egerton (t
and solely, though Eg
is very old and near de
out how the blow may
be supplied easily. Th
the rest of the judges.
by any other judge that
Bacon's to wit. The tri
The King was inclined
have it so. James did
rogative by asking them
no. Besides, Coke has
loath to smite.

In August * 1610

Bacon acknowledges some favour granted. In another month Bacon will in part repay the obligation, by sealing patents of monopoly to his patron. Notwithstanding the remonstrance of an entire nation in 1601 ; notwithstanding the then defeat of the crown ; notwithstanding a demonstration of opinion in parliament more powerful than ever had been made before, and a continued unpopularity, monopolies are under Sir Francis Bacon's statecraft on the rise.

A few words may well be spared on the Overbury murder. Sir Thomas Overbury, a scholar, a statesman, and a man of letters, who has written some songs and descriptions of character, which have been deemed worthy to be reprinted even in our own day, was the friend of Carr, Earl of Somerset, the favourite of James I. This Carr became violently enamoured of the Countess of Essex, wife of the eldest son of Robert Devereux, whose life we have traced. Overbury, averse to the liaison, dissuaded Carr against it. Opposing it in spite of the king, who encouraged it, he was sent to the Tower.* He died in confinement the following September of the same year.† Lying confined there he was slowly *poisoned*. The Countess of Somerset, late Essex, was the most direct and active instrument in his death. But Somerset was implicated ; and though it may be doubtful whether sufficient legal evidence could be produced against him was no doubt morally guilty. Had he been a common personage, doubtless he would have found no difficulty in a path to the gallows. The accomplices were quickly disposed of. But the trial of a person so eminent as the King's favourite, in possession of secrets dangerous to James's safety, was a different affair.

* April 21st, 1613.

† September 15th, 1613.

openly with some cri
to throw over his he
menace his name. V
different reasons for
poisoning of James's el

During the trial the
utmost excitement, eage
relieved when the intell
not attacked him. Bet
Tower, he had fallen on
bidding him good-bye.
room under arrest, had
hatred, and a wish that
This is Weldon's testime
royal mercy, Carr was lib
seclusion for many years
Countess soon after the tria
of the celebrated Lord W
Earl of Essex, from whom
tain-

day, looking dark even in the polluted page of his reign.

Coke stood well for the Chancellorship. This was the place Bacon coveted. He had accepted a privy councillorship *in esse*, rather than the Chancellorship *in posse*; for he knew the proverb, "a bird in the hand:" but he also believed the Chancellorship safe too. If Coke obtained it he would be doubly wronged, by his own loss and his rival's gain. Now was the time to strike. Sir Edward was in disgrace from his dispute in favour of the King's Bench against the Chancery, "which is the court of your absolute power," as Bacon had written to the King in April 1616. He had, in spite of his place, of his love of money, ventured (the question being one of law) to oppose Majesty. James considered the privilege and power of bestowing livings on his favourites, livings without labour, part of his prerogative. Bishops were thus enabled to hold several sinecures, as well as their bishoprics. The excuse—for when did Satan ever lack one?—was, that this abuse enabled them to maintain hospitality. The poverty of the apostles was no temptation to them. The Bishop of Winchester hearing that one of the counsel, Serjeant Chiborne, in the case of *Colt v. Bishop of Lichfield*, held that such an obligation was not compulsory, and that no man is obliged to keep hospitality beyond his means, hastened to the King, not with the old cry of the Church in danger, but with a much more courtier-like complaint—that the prerogative was attacked. The word prerogative to James was like a scrap of red cloth to a mad bull. He at once called Bacon in. Bacon suggests a letter to the judges, staying judgment in the matter till his Majesty

of prerogative is in no
case was a civil one but
ference was a gross in
two private persons. They
proceed to hear and to

They give their verdict
write to the King, justifying
"with one consent declaring
contrary to the law, and
our oaths."

The King inflamed by
mad, as usual, on this matter
for the judges to Whitehall
summoned as Bacon has
are at once admonished
their letter neither in matter
should have stopped their
when raising impertinent de
tive, and by no means had

Dodderidge, Augustus Nicholls, and Robert Houghton. The council, including the Bishop of Winchester, the Archbishop of Canterbury, Winwood, Lake, and the Chancellor, the Treasurer, the Privy Seal, the Duke of Lenox, &c.

Coke, grey, grizzled, with his peaked beard, ruff, and long face is at the head of the refractory judges. James is in a towering rage—swelling in the little dignity heaven has granted him. The twelve judges in their robes of state are on their knees. The old Chancellor Ellesmere, very feeble and weak, stands by. The impassive Bacon—wily, serpent-like, with downcast eyes and feigned humility—stands, by the right hand of the King, and a little in the rear of the Chancellor, waiting till he is called on to speak. We will give the dialogue as it has descended, the speakers being, Lord Coke, the King, and Attorney-General Bacon.

Coke.—"The King has desired a stay of justice, a hindrance contrary to the law and to the oath of a judge; and forasmuch as my brothers here now assembled knew that the case did not interfere or impair the King's prerogative, or fly at such high game, but would have hindered justice, they did not think fit to delay. For the day was already appointed, and had the day not been kept, the suit would have been discontinued, and this would have been against both law and justice. And, moreover, Mr. Attorney's letter named no day certain for the adjournment, and an adjournment must be always to a certain day."*

This, with much crabbed Latin, with all his authorities

* Bacon's Works, vol. vii., p. 336; Carte, vol. iv., p. 37.

his prerogative, was mo
decide. And if it did
should first have proved
given him assurance tha
royal power, and touchin
being against the law an
Justice has not explaine
therefore call upon the
point."

In other words, Is not a
does he not know what b
wisdom, better than a judg

Ellesmere, who has been
age and weakness, rises on
his Majesty to call on Sir F
Sir Francis Bacon.—"is
is infinite, and so is your we
withal the command given i
and being the command of a

then to counsel the King on it when the matter is past, this is an offence greater than refusing counsel, being in defiance of the King."

The Lord Chief Justice Coke.—"Mr. Attorney, we think you far exceed your authority, for it is the duty of counsel to plead before the judges and not against them."

Sir Francis Bacon.—"I must be bold to tell the Lord Chief Justice of England, as he styles himself" (this is a thrust at Coke's pretension to call himself Chief Justice of England, instead of merely Chief Justice of the King's Bench, and is not merely aimed at Coke, but is a stroke that avails with the King, for the King has been told that this title, too, is an arrogation of royal Prerogative, that the title alone belongs to the Monarch, who is Lord Chief Justice of England)—"that we, the King's counsel, are obliged, by our oaths and by our offices, to plead not only against the greatest subjects, but against any body of subjects, be they courts, judges, or even the Commons assembled in parliament, who seek to encroach on the Prerogative royal. By making this challenge, the judges here assembled have highly outraged their character. Will your Majesty be pleased to ask the Lord Coke what he has to say for himself now, and graciously to decide between us?"

This is the conduct of an ignoble mind, which, confident of the protection of a powerful hand, taunts its adversary either to say something which may compromise him with the monarch, or ventures to insult one whom it would otherwise fear. 'Tis the cock in the fable on his filthy elevation.

... *...mere.*—
by your Majesty's At
judge will now refuse
issued under the like ci
sider their oath they w

Now and hereupon t
be read.

The King thereupon
of the judges, whether if
ing before them, *his Ma*
either in power or profit,
sult with them, would t
proceedings. Eleven of t
as it was their duty so t
Chief Justice of the Comm
he was described by Bacon
trast to Coke; he now de
trust the justice of the King
to Coke's turn, Coke answ
ever was returned.

on his knees, precisely as Bacon had suggested. Other pretences were put forward in public, one, that his Reports assailed the prerogative. Another, that he had concealed knowledge from the King: James throughout having closely followed the advice given by Bacon in his letter already printed.

Moreover, throughout this memorable disgrace of a rival, Bacon's had been the hand, that pulled the strings. When the law was to be found which would justify the arrest of justice, Bacon and his serjeants, Crew and Montagu, who had been allied with him in Peacham's case, and Yelverton, the solicitor, another of his allies, were the men who discovered it. The mandate issued by James rebuking the judges, was so precisely similar in language and tone with Bacon's own, that suspicion must attach that he penned the document. The Chancellor was unequal to the task. Bacon was the active agent of the trio. The Monarch himself would not have dared to indite a legal document, and Bacon's custom was to furnish James with papers written, on which he made suggestions and alterations. It matters little, however, how the document was framed. Its sentiments are so purely Bacon's own, so identical, that even if he did not compose it, they are but in extension those already recorded. It expressed, that it was a fault in the judges that they did not sharply reprove counsel for speaking of things appertaining to the King's Prerogative, "especially since his Majesty hath observed that ever since his coming to the crown, the popular sorts of lawyers have been the men, that most affrontedly in all parliaments have trodden upon his Prerogative; which being most contrary to their

Bacon has a private
has kept it fairly in check
temper and discretion till it
ripe. Soon after Bacon had
sponging-house for debt, and
in the Exchequer on the fact
written down the abuse in
commenced by saying, "If
me, Mr. Bacon, pluck it out
apprised of Bacon's underhand
and the epithet used of him
Bacon that it were good to
upon his back, in allusion to
torturing Mr. Attorney, was on
Through all their career, since
the hate has no doubt continued
revenge. By making his quarrel
cured Coke's disgrace. He is
rival's public rebuke.

sufficiency) to the justiceship; and aiming at the Chancellorship, and there being no other judge fit to take the post. Bacon objects to Montagu sitting as judge, who has so long been only his follower. So the Chief Justice is in disgrace till November, when on the first opening of term, as we have seen, Bacon urges James to punish still further and disgrace him to the uttermost by loss of place and fine. The monarch is inclined to be merciful. 'Tis his head that is weak not his heart, and he is sorry even to disgrace his old servant, who has done so little to annoy him. But Bacon will have it so, and the King consents. By-and-by, James will bitterly repent this concession to private malice, for Captain Coke, of the Long Parliament, as the King will call him, will frame a law or two, which will put an end to notions of Prerogative for ever. But this is yet in the womb of time.

Coke's expulsion from office is the sequence of the singular enmity which had arisen between these most distinguished men. From their complete antagonism of characters, there was from the first hardly the possibility of their agreeing; but since the commencement of their career, their rivalry in the same pursuits has of course widened the breach.

The Royal pedant applies to Bacon. What does he propose? The reply is prompt. "Not mercy;" and to point out how easily the judge's place may be supplied. On the 13th November he sends to the King a form of discharge for my Lord Coke from his place of Chief Justice of your Bench. He sends also a warrant to be signed by the King, empowering the Chancellor to nominate another Lord Chief Justice. The name

matters in his Reports, to prompt measures. The King reasons for his servant's disgrace in him a turbulent courage against church and state ecclesiastical, royal, and towards all his Star Chamber, Chancery, Admiralty, all of them undoubtedly more than their jurisdiction; and, lastly by his exposition of the law in

It has been so usually the case in version, on account of its apparent character, that from time immemorial the subject of condemnation is inclined to deny that Coke had really his character. I will go further: conciliatory, we were in poor plight, indebtedness of this realm to be repaid. It can hardly be over-

Bacon in this. Bacon's eloquence and fascination of manner were irresistible. Bacon's temper was perfectly under control. Bacon was always courteous, conciliatory, elegant. Coke was a tedious talker, fond of parading his law and his learning, irascible and overbearing to his counsellors, coarse and vulgar to every poor wretch brought before him for trial. That he was popular there is abundant proof. Here, in the King's letter, announcing his final disgrace, is the King's own declaration. "His Majesty, in his princely wisdom, hath made two special observations of him; the one that he having in his nature not one part of those things which are popular in men, being neither civil, nor affable, nor magnificent, he hath made himself popular, by design only, in pulling down government." Here we see that his Master acknowledges him to be popular, and cannot account for it.

Without making any pretence to sagacity, if James and his adviser had only discovered one reason, they might have ceased to wonder. No one sued to him for justice in vain. He was a just judge. Spite of all his disagreeableness of manner, his character commanded respect and honour, where it neither invited affection nor regard. But here is an additional insight into Coke's character:—

"Whereas his Majesty might have expected a change of him when he made him his own, by taking him to be of his council, it made no change at all, but to the worse, he holding on all his former channel, and running separate courses from the rest of his council, and rather busying himself in casting fears before his council, concerning

frightens the other creatures
were against law. Frig
and hobgoblins of Bract
old lawyer, damaging the
phants, bent on supporting
the King's prerogative.

Coke falls. Bacon stands
does what he has already
over his misery. He calls
Coke, for Coke is alive to
by writing and bequeathing
can insult his enemy in his father's
a long letter to Sir Edward
quotations from which (from
plied. He commences with
was prone in his allusions.

EXTRACTS FROM BACON'S
HIS FATHER

is in spiritual things, where Christ never comes before his waymaker, hath laid even the heart with sorrow and repentance, since self-conceited and proud persons think themselves too good and too wise to learn of their inferiors, and therefore need not the physician. So in the rules of earthly wisdom it is not possible for Nature to attain any mediocrity of perfection before she be humbled by knowing herself and her own ignorance, &c. &c.

“Supposing this to be the time of your affliction, that which I have propounded to myself is, by taking this seasonable advantage like a true friend, though far unworthy to be counted so, to show you your true shape in a glass. In discourse you delight to speak too much, not to hear others. This is fitter for a pleader than a judge. Your affections inclined you to love your own arguments best, and reject those of others which your own reason, when unprejudiced, knows to be stronger. In law no man ordinarily equals you; but when you wander, as you often delight to do, you wander indeed. You clog your auditory when you most wish to be understood. Speech must be either sweet or short. You converse with books, not with men. You seldom converse with any but your underlings, ever to teach, never to learn. In your pleadings you insult over misery, and praise and disgrace upon slight grounds, and that sometimes untruly. You will jest at any man in public without respect of the person’s dignity or your own. This disgraceth your gravity, which, like all your actions, has a touch of vain glory, having no respect to the true end. You make the law to lean too much to your opinion, whereby you show yourself to be a legal tyrant, striking with that weapon where

...how
have traced it in its n
have seen his deep hypo
friends, and his servil
noble men, and his utter
the effect of such a blow
mask of friendship, to a
man. No act more mali
will be conceived. Not
destruction, he would insult
the revenge are feline.
not contain one tithe of
to taunt him "That his
poverished by his means, to
law, his judicial managemen
recommending him to fight
broken. "We desire you
Bacon, aping the language an
cannot but have much of you
much by speaking untruths.

"In no composition that I have met with," says one of his biographers, "is there a greater display of vengeful malignity. Under pretence of acting a Christian part, he pours oil of vitriol into the wounds he had inflicted."

I had always looked on Pope's line—

"Wiseest, brightest, meanest of mankind,"

as necessarily a concession of truth to epigrammatic smartness. It is hard to say that he was the wisest, brightest, but may not a man doubt whether the last attribute, "meanest of mankind," has not been fairly earned?

Among Bacon's papers printed in Montagu—where, to do that intelligent editor justice, they are huddled together without order or arrangement—there is a paper printed, containing proof of Bacon's handiwork in Coke's disgrace. It is his objections to Coke on public grounds, intended for the King; it is marked "Innovations introduced (by Coke) into the laws and government," and contains precisely those charges used by the King in his harangue, condemning Coke of impairing the jurisdiction of the Royal courts of Chancery, Star Chamber, &c. It attacks Coke for disputing the King's writ in grants of patents and monopolies, and for impugning the legality of Benevolences, and, in Peacham's trial, for obstructing the case, in which he would have prevailed, "though it was holpen by the good service of others," for opposing in Cowle's case, and the state prosecutions for treason, arising out of James's absurd notions of prerogative, &c.

Bacon is now riding on the crest of the wave. Coke is disgraced. His rival made out his supersedeas. Francis Bacon is the favourite of the King's favourite. He is a privy councillor. He will soon be Lord Chancellor. He

has his heel on Coke, and has insulted him to the limits of human endurance on the one hand, and malice and hypocrisy on the other; it now needs but one step to place Bacon's crown of glory before his eyes—the death of Egerton. Then he is first law officer of the crown, and if he can be another Wolsey, another Richelieu, Chancellor and statesman, King's favourite and prime minister, that were well indeed.

CHAPTER XX.

WE have now to trace the growth of a vast unconstitutional abuse — the grant of monopolies or special patents to privileged persons. Bacon the servile, Bacon the sycophant, has ingratiated himself with Prince Charles as well as Villiers, and has been appointed Chancellor of the Duchy of Cornwall. He has already shown his usefulness by sealing patents and monopolies to the Villiers' family. These needy adventurers are bent on the most scandalous means of personal aggrandisement. In all their nefarious schemes of personal enrichment, the Lord Keeper has shown himself an active and zealous ally. By means of exclusive grants passed under the great seal, they have acquired the sole property in several lucrative manufactures. They are co-partners in a grant to license inns. Villiers is thus indebted to Bacon. The latter has given earnest by his past acts that he will, when appointed Chancellor, be the servant only of Villiers. In November, after Coke is disgraced, there is a letter, involved as usual, when mischief is contemplated, suggesting that when a certain case is called on, "I shall fix (when that question cometh to me) to be the justice of assize." This question is no other than one in connection with a Sir Giles Monpesson, who, in partnership

with the brother of Villiers, has a patent for making gold lace, and also for licensing inns, and levying tolls. By this vast sums are falling daily into their exchequer. The grant is iniquitous; it is against law; it is against reason; yet it enriches the King's favourite and his relatives, and Bacon will take care to be judge of assize when anything concerning it, has to be tried. In other words, Bacon will direct the course of justice as the favourite requires. How can such servility be repaid but by office?

Ellesmere, however, still lingers on. He will not sign these Monpesson patents, he knows them to be illegal. "Why does he not die?" thinks Villiers; "Bacon would be Chancellor, and he would sign." Villiers is, on New Year's Day, 1617, made Earl of Buckingham: on the 13th of November preceding, Bacon has set down on paper how much he has benefited the future Earl at the public expense. The favours conferred by the Lord Keeper on his patron are seven in number, and may be enumerated in brief.

1st. He has made the grant of the lands given by the king, "fee farm, and not fee simple, whereby the rent of the crown in succession is not diminished, and yet the quantity of the land which you have upon your value is enlarged." In other words, Bacon, having to make a grant of lands belonging to the King, in trust for his people, has, by a clever evasion of the letter of the law, given more than was intended, not to the injury of posterity, but to the injury of the people at the time, as so much as Villiers gained in rent, they have lost.

2nd. "By the help of Sir Lionel Cranfield," (a man of

infamous character, as we shall find by-and-by,) "I advanced the value of Sherbourn from 26,000*l.*—it was valued at 25,000*l.* by Somerset—to 32,000*l.*" This appears to have been a surrender; and the crown thus was defrauded of 6,000*l.*; yet Bacon says, "whereby there was 6,000*l.* gotten, and yet justly."

The third, fourth, fifth, sixth, and seventh reasons are equally iniquitous. But being only explicable by an allusion to Villiers's property, and by reference to the complications arising therein, need not be quoted. Enough is here shown, however, to prove that Villiers and Bacon are hand in hand, climbing the hill together. Bacon had predicted the Earldom in August, when Sir George was made Viscount. Had advised him to depend wholly (next unto God) upon the King. Like his "sainted mother," he is pious, and the advice, albeit Villiers needed it not, has fructified. Baron Ellesmere, created Viscount Brackley in 1616, has now for some time been bedridden. He wrote, many months ago, asking to be permitted to resign, but his Majesty would not accept his resignation. On the 3rd of March, however, James in person visits him at York House, and consents to accept the seals. On the 5th Buckingham and Winwood received from his hands the great seal. Sir John Egerton, the son, is commanded by his father from his bed to produce it, and in its silken bag it is delivered to them, and by them conveyed to James. On the 7th it is formally delivered to Bacon, between the hours of eleven and twelve, at Whitehall. This is Villiers's work: Villiers wants those patents sealed. It is true that Ellesmere is not dead, but will die in some nine days, being past hope; but Bacon

is chosen, lifted from the Attorneyship: (Coke was disgraced in time), and this was Villiers's doing.

Bacon hastens home, his heart filled with exultation. Its proud throbblings, its ambitious longings, for the instant stilled, by joy and delight. He is at last Lord Keeper. He, the friendless, the poor, the indebted. He, the struggling genius, the man conscious of great gifts, who has bent all his intellect to this wish. Who has stooped as no man ever stooped before. He who has walked through miry ways these many long years; who has sounded all the depths and shoals of courtiership, is at last Lord Keeper. Full of gratitude, he gives way for once in his life to an impulse, and sits down and writes even affectionately.

“MY DEAREST LORD,—”

“It is both in cares and kindness that small ones float up to the tongue, and great ones sink down into the heart in silence. Therefore I could speak little to your lordship to-day, neither had I fit time. But I must profess thus much, that in this day's work you are the truest and perfectest mirror and example of firm and generous friendship that ever was in court. And I shall count every day lost, wherein I shall not either study your well-doing in thought, or do your name honour in speech, or perform you service in deed. Good, my Lord, account and accept me,

“Your most bounden and devoted friend
and servant of all men living,

“March 7, 1616-17.

“FRANCIS BACON, C.S.”

Custos sigillarum, Keeper of the great seal of England, first law officer of the crown, first peer of the realm, speaker of the Upper House by prescription. We can see

* Montagu, vol. xii., p. 241.

Francis Bacon's pale face glow, as with enthusiasm tingling through his cold frame, he vents his excitement in this letter; it is no fancy, it is mere fact—that in the sentence “that in this day's work,” there is a gallop foreign to Bacon's style, as if penned in haste and under emotion. No such sentence exists again in all his writing. He is for ever bondman to Villiers for his friendship. “Accept me as your most bounden and devoted friend.” “Most bounden!” The phrase has an awkward omen. This is the very protestation of indebtedness to Essex, at the time he is, as it is reported, slandering him to the Queen. He declared himself most bounden while the shadow of the headsman fell on the paper as he wrote.

“Most bounden!” I am not superstitious, yet I would rather any word than that, my good Lord Keeper. And sure enough we, who can be oracular now the thing is over, being the surest prophets, know that within six months this “most bounden and devoted friend” will, for his own ends, thinking the time has come, attempt to overthrow Villiers with the King. Traduce him behind his back, and, foiled in the attempt, be driven to hole ignominiously, and be thenceforward treated with the contempt and contumely he deserves.

Francis Bacon is now Lord Keeper. He has been elected as the servant of Villiers. His tenure is a base servitude. And of this unluckily but too many proofs exist.

From the day that Bacon was nominated in his office, nay, so indecent is the haste, before—Villiers appears in a new office, Bacon in a more degrading aspect. The

favourite directs the decisions of the Court. Bacon is a mere image of equity. An object to put on the bench, to lend weight and dignity and a form to its decisions. Villiers is the judge. Villiers settles the decrees. Bacon is to have no will, no thought, of his own. Buckingham will settle who shall or who shall not gain suits, the amount of costs, the mode and manners of procedure. Bacon will vindicate his right to private judgment, by taking fees in consonance with Villiers' directions. Bound by every tie human and divine to administer justice, the new judge merely administers it—to the enrichment of his patron. Bacon takes his place for the first time on the 8th of May. On the 6th, two days before the ceremony of installation is consummated, Buckingham writes: "That Sir Lewis Tresham hath a suit depending in the Chancery before your lordship; and therefore, out of my love and respect toward him, I have thought fit to recommend him unto your favour, so far only as may stand with justice and equity. . . . I further desire your Lordship to give him what expedition you can, that he may receive no prejudice by his journey."

This is a feature as new in the annals of justice as torture or bribery. The Chancellor has sold himself to the King's minion. It is true his place is gained, not by merit, but as a gift from a royal favourite; a precedent which will stand Bacon in bad stead yet, so peculiarly is crime oft its own particular retribution. He is therefore bound hand and foot to Villiers. Perchance the bondage is irksome. But he winces and submits. By-and-by, he hopes to have Villiers thrown, like Coke, and then he will carry it with as high a hand.

James goes in March on a visit to Scotland, and will not return for some months. The new Lord Keeper plays monarch at Whitehall. He is the King's representative in his absence. Gives audience, seals writs, hears petitions, dismisses suppliants. He is as high as ever was Chancellor or Chief Justice before. He writes glowingly that he has drawn all the lawyers dry, answered every petition. "And this, I think, could not be said in our age before. This I speak, not out of ostentation, but out of gladness when I have done my duty. I know men think, I cannot continue if I should thus oppress myself with business; but that account is made." Good and noble servant of the commonwealth! Modesty is a rare plant, which thou possessest to the full!

On the 11th of June, Buckingham is interceding again, this time for Sir Robert Taunton. Bacon is on the topmost pinnacle of fame and grandeur as deputy King; but even now he is in the toils, and the arch is crumbling, and the axe is at the root, as we shall see.

A brother of the Earl of Buckingham has taken it into his unhappy head to fall in love with Coke's only daughter, or with her fortune. She is one of the richest heiresses in England. Sir Edward is a warm man, but his wife, Lady Hatton, has two fortunes in her own right, so that, if this Villiers wins her, his family will have what they particularly lack, money, equal to the best in the realm. The disgraced Chief Justice is not indisposed to the match. Lady Hatton, the termagant, however, hating everything that her spouse likes, has determined that if he will have Villiers for a son-in-law, she will not. Her husband is bent on power, on revenge, and will sell his daughter,

though he hates the man. Alas! he too is thonging the scourge for his own back. He will find retribution in a daughter's lasting misery and shame. In scorn, and contempt heaped to the full. In her disgrace traced with burning style upon his heart, where he is most mortal, for (like Shylock) he loves his daughter, next after the law and his money bags. He is, in truth, a superior Shylock, great on the letter of the law. But Shylock is a timid, and he is a bold man. When his gray hairs should command honour, his hearth will be desolate, and he will find his daughter a mock and a scorn, and he but a sign and a jest in the world's mouth, on her account.

Villiers long since set his eye on the lady. For some time her father discountenanced the step, but he is now in disgrace. And it has been arranged that if this match takes place, the weak and plastic King shall be moulded into new form, and receive Coke again into favour. The bargain is hard, but the case is desperate. Men think that Coke's first refusal, helped to lose him his place. He hates the greedy crew of Villiers; but place, and honour, and power are dear to him as life. His old foe still pursues him vindictively, hopes to bring him before the Star Chamber, and is superintending anxiously and personally the expurgation of his Reports, on the frivolous plea that they contain treasonable and seditious doctrines. He has heard that Lady Hatton dislikes the marriage; he therefore writes to her to plot with her against her husband, promising to abet her in her resistance. This is only another blow at his rival, but unluckily this will recoil.

The new Lord Keeper "dressed in a little brief

authority," has been this month past playing such fantastic tricks as only a man his equal in meanness could. He has outraged and insulted his colleague, Winwood, the Secretary of State, by assuming entire mastery and rule. Confident in James's favour, he fancies himself all but King. Winwood suggests to Coke that, by marrying his daughter to Villiers, he may again recover the wind of this popinjay Chancellor. Sir Edward arranges with Villiers concerning the match. Lady Hatton, who in June of the preceding year stood up stoutly for her lord when he was condemned, even going so far as to quarrel with the Queen on his account, is now enraged beyond measure that Coke should proceed in such a step without her sanction. Sir Edward is in the habit of going to bed at nine, and rising at four to labour. After he is in bed Lady Hatton, impulsive and passionate as usual, takes her daughter Frances with her, and quits the house in Holborn, where they reside. They take coach, and, riding all night, early in the morning reach Oatlands, where a cousin of Lady Hatton's, Sir Edward Withipole, lives. There they hope to conceal themselves.

Lady Hatton, the instrument of her own passion, not merely content with prejudicing her daughter against Villiers, offers her hand to the Earl of Oxford, and shows her a forged letter, as if sent by that nobleman, declaring his love.

In the latter end of June, Coke applied for a warrant to the privy council, to recover his daughter, whose retreat he had discovered. Bacon threw obstacles in the way; and, as Sir Edward found redress hopeless with his old enemy's opposition, resolved, having first obtained a

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upon Oatlands. When they arrived there they found the gate leading to the house bolted and barricaded. This they forced open without difficulty ; but the outer door of the house was so secured as long to defy all their efforts to gain admission. The ex-Chief Justice repeatedly demanded his child in the king's name, and laid down for law, that "if death should ensue it would be justifiable homicide in him, but murder in those who opposed him." One of the party gaining entrance by a window, let in all the rest ; but still there were several other doors to be broken open. At last Sir Edward found the objects of his pursuit secreted in a small closet, and, without stopping to parley, lest there should be a rescue, he seized his daughter, tore her from her mother, and, placing her behind her brother, rode off with her to his house at Stoke Pogis, in Buckinghamshire. There he secured her in an upper chamber of which he himself kept the key.

This narrative is so circumstantial that it is difficult to believe it imaginary and false. Yet it scarcely accords in any particular with Chamberlain's account, written at the time. In one respect as we have seen, it is absolutely incorrect. Impugning as it does Sir Edward's justice and character ; for it would be monstrous that a judge should act in so violent and unlawful a manner—the subject needs elucidation.* In the 'Biographia Britannica' the tale is told somewhat similarly, but much more briefly, and refers to some letters of James West, Esq., for cor-

* For this purpose I communicated with his lordship ; but in the absence of a satisfactory reply, I am constrained to suppose Lord Campbell's account imaginative and incorrect.

roboration. Unless the late Chancellor, therefore, had the use of these, it is difficult to understand how he could have obtained so explicit and withal so inaccurate an account.

Chamberlain's version is much more simple. It is this:—

“The daughter was first carried away to the Lady Withipole's, from *thence privily to a house of the Lord of Arple's, by Hampton Court, whence her father, by a warrant from Mr. Secretary, fetched her; but, indeed, went further than his warrant, and brake open divers doors before he got her. His lady was at his heels, and, if her coach had not held in the pursuit after him, there was like to be strange tragedies. He delivered his daughter to the Lady Compton, Sir John's mother; but the next day Edmondes, clerk of the council, was sent with a warrant to have the custody of her at his own house.*

“The Lord Coke and his lady hath great wars at the council table. I was there on Wednesday, but by reason of the Lord Keeper's absence there was nothing done. What passed yesterday I know not yet; but the first time she came accompanied with the Lord Burleigh and his lady, the Lord Danvers, the Lord Denny, Sir Thomas Howard and his lady, with I know not how many more, and declaimed bitterly against him, and so carried herself that divers said Burbage* could not have acted better. Indeed, it seems he (Sir Edward) hath carried himself very simply, to say no more, in divers matters; and no doubt he shall be sifted thoroughly, for

* The great actor.

the King is much incensed against him, and by his own weakness he hath lost those few friends he had.

“The next day being all convened before the council, she (Frances the daughter) was sequestered to Mr. Attorney, and yesterday, upon a palliated agreement twixt Sir Edward Coke and his lady, she was sent to Hatton House, with order that the Lady Compton should have access to win her and wear her.

“It were a long story to tell all the passages of this business, which hath furnished Paul’s, and this town very plentifully the whole week. The Lord Coke was in great danger to be committed for disobeying the council’s order, for abusing his warrant, and for the violence used in breaking open the doors; to all which he gave reasonable answers; and for the violence, will justify it by law, though orders be given to prefer a bill against him in the Star Chamber. He and his friends complain of hard measure from some of the greatest at that Board, and that he was too much trampled upon with ill language. And our friend (Winwood?) passed not scot free from the warrant, which the greatest there (Bacon) said was subject to a *præmunire*, and, withal, told the Lady Compton that they wished well to her and her sons, and would be ready to serve the Earl of Buckingham with all true affection, whereas others did it out of faction and ambition.* About three weeks after† the same correspondent writes again: That the daughter is staying with Sir Robert Coke, Sir Edward’s son by his first wife, and that Lady Hatton is with her all day, to prevent the

* John Chamberlain to Sir Dudley Carleton, July 17, 1617.

† August 9th.

access of others. That, finding her friends are deserting her, and that "she struggles in vain" against the king's will "she begins to come about," and "upon some conditions will double her husband's portion and make up the match and will give it her blessing." . . . "But it seems the Lady Hatton would have all the honour and thanks, and so defeat her husband's purposes, towards whom, of late, she has carried herself very strangely, and, indeed, neither like a wife nor a wise woman."

From the temper of this letter, it will seem the writer bears no ill-will to Bacon. Yet in this very missive we have evidence of Bacon's conduct on the bench since he has acted as judge. As it has been alleged that Bacon's downfall was the result of a conspiracy—a supposition that only the utmost stretch of ignorance could have conceived, or believe—it will be well to insert the writer's opinion of Bacon, only some three months since he has been actively engaged in his new career.

"The Lord Keeper hath been this fortnight at Gorhambury, and means to continue there a fortnight or three weeks longer.

"*The world begins already to complain of some encroaching courses, and say, if things should thus proceed and hold on, that we should have, as it were, all men's estates 'in scrinio pictoris.'* The distaste continues still twixt him and 'the boisterous secretary' (Winwood), as he terms him, though some friends have meditated a reconciliation. But, at the worst the world is of opinion, that if they should come to jostle, both of them are made of as brittle metal the one as the other."

Meanwhile Lady Hatton applies to Bacon for redress.

Bacon, eager to punish his adversary, issues a warrant to sue Coke in the King's name into the Star Chamber. Coke is not afraid to defend himself, but has sufficient knowledge of law to desire to keep out of its toils. Bacon, eager to overthrow the whole project, and pushing his zeal to an indiscreet extent, writes to Buckingham, to inform him of the project, and to advise him against it. He had written to Buckingham on the 8th June, and Buckingham having been apprised of his dealing, writes early in July, on the 5th, a business letter, somewhat cooler than those which have preceded it, to his agent and instrument, the Lord Keeper. For once the courtier's zeal is overrunning his discretion; his hate blinds him. He sees no danger in Villiers' letter; yet rightly construed, its bated courtesy is an evil omen. It is curt—almost uncivil, when even a word or a phrase might portend ruin. Heedless, however, Bacon will thrust advice on the favourite. Older and wiser he will warn him. So on the 12th of July writes that "Secretary Winwood has busied himself with a match between Sir John Villiers and Sir Edward Coke's daughter, rather to make a faction than out of any good affection to your lordship. The lady's consent is not gained, *nor her mother's, from whom she expecteth a great fortune.*"

"This match, out of my faith and freedom to your lordship, I hold very inconvenient, both for your mother, brother, and yourself.

"First. He shall marry into a disgraced house, which, in reason of state, is never held good.

"Next. He shall marry into a troubled house of man and wife, which, in religion and Christian discretion, is not liked.

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the rather for that (besides the inconvenience of the matter itself) it hath been carried so harshly and inconsiderately by Secretary Winwood, as for doubt, that the father should take away the maiden by force; the mother, to get the start, hath conveyed her away secretly, which is ill of all sides.

“ Thus hoping your lordship will not only accept well, but believe my faithful advice, who, by my great experience in the world, must needs see further than your lordship can.”

This very night, perhaps, of the 12th, Coke is carrying away his daughter. His letter of three days later reaches the King in Scotland, near upon the same time.

On the 25th Bacon writes to the King.* He commences with his usual protestations, “ feeling myself more bound than other men in doing your commandments, when your resolution is made known to me ;” and then proceeds to the disparagement of Coke. “ If there be any merit in drawing on this match, your Majesty would bestow thanks, not upon the zeal of Sir Edward Coke to serve your Majesty, nor upon the eloquent persuasions or pragmatics of Mr. Secretary Winwood, but upon them, (meaning myself,) that, carrying your commandments and directions with strength and justice, in the matter of the Governor of Dieppe, in the matter of Sir Robert Rich, and in the matter of protecting the lady, according to your Majesty’s commandment, have so humbled Sir Edward Coke, as he seeketh now that with submission which (as your Majesty knoweth) before he rejected with scorn; for this is the

* Montagu, vol. xii., p. 247.

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That I had rather go against his mind than against his good: but your Majesty I must obey: and besides, I shall conceive that your Majesty, out of your great wisdom and depth, doth see those things which I see not."

Bacon already fears Coke, in spite of his statement to the contrary, nay, that is a proof rather, proceeding to declare that the state (thanks to his labours) is not only in good quiet and obedience, but in good affection and disposition; that his Majesty's prerogative has risen some degrees higher than before; that the judges are in good temper; that the justices of peace, who are the gentlemen of England, grow to be loving and obsequious; and that, in consequence of Coke's being cut down, "all mutinous spirits grow to be a little poor, and to draw in their horns." But let the King note this, if there be a belief encouraged of his again coming into place, with the strength of such an alliance at his back, "it will give a turn and relapse in men's minds into the former state of disaffection, to the great weakening of your Majesty's service."

The keen enemy having flattered and frightened the King, having talked of his prerogative, and so aimed and struck all the vulnerable parts of the poor Pedant's carcass, recommends a Parliament.

In Parliament, Bacon shines. His diplomacy, tact, eloquence, discrimination, make him great there. But his advice is "conditional;" for it depends on his Majesty's council being united, which can never be expected "if that man (Coke) come in." Not because I dislike him, certainly not, "but because he is by nature unsociable, by habit popular, and too old now to take a new ply.

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sufficient virtue to honour a just judge, and spite of Coke's being no friend of his, cannot help admiring him, the irate, vexatious, honest old Chief Justice.

James's letter is a long, and withal friendly one, but still couched in terms of rebuke. Bacon's answer, penned promptly on its receipt, is probably written about the 1st of August: in Montagu it is dated on the 25th of July, as was the later letter herein given, which is clearly impossible: they could not have been written on the same day.

“ May it please your most excellent Majesty,—

“ I do very much thank your Majesty for your letter, and think myself much honoured by it. For though it contain some matter of dislike—in which respect it hath grieved me more than any event which hath fallen out in my life—yet, because I know reprehensions from the best masters to the best servants are necessary, and that no chastisement is pleasant for the time, but yet worketh good effects, and for that I find intermixed some passages of trust and grace; and find also in myself inwardly, sincerity of intention and conformity of will, howsoever I may have erred; I do not a little comfort myself, resting upon your Majesty's accustomed favour, and most humbly desiring that any one of my particular notions may be expounded by the constant and direct course which, your Majesty knoweth, I have ever held in your service.”

The King has said this match is *multum in parvo*. Bacon knowing that the most insidious flattery is imitation, with his usual felicity seizes on the phrase and uses it again.

“ I do acknowledge that this match is *multum in parvo* in both senses that your Majesty speaketh. But your Majesty perceiveth well that I took it to be in a farther

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How obliged Villiers must be for Bacon's good word with their Master. So Francis Bacon did think, has thought, overcalculating his own powers, that his praise of Villiers has had weight with James. Here lies the secret of this fatal mistake. His hatred of Coke has a little blinded him, but his belief that he is stronger than Villiers has blinded him much more. Bacon thinks, naturally perhaps, that his genius is of more value to the King, his power as an historian, his knowledge as a statesman, than Villiers' services, who has no wonderful wit, and cannot praise James either in verse or prose. Bacon is for the instant oblivious, that the world is ruled not by reason, but by its passions. By its affections, prejudices, and sympathies rather than true philosophy. He is not so ruled, and forgets that others are not as wise.

The next paragraph has allusion to a service which Buckingham has recently done for Bacon. Bacon recommended a certain Mr. Lowden to be Baron of the Exchequer in Ireland. Nay, he did more; in his full-blown pride, presuming the thing done, he having so determined it, he has given the place to him. Lowden has been the Queen's solicitor. Is not a very wise judge. Even Bacon cannot recommend him. Perhaps it is only a money fee that binds him to the man's service. But James was somewhat incensed, first that the man should have been appointed without consulting him; next, that he should have been sent down to pester him in Scotland, to complete the appointment so confidently promised by Bacon without any sufficient grounds for the unusual license. James, with the warmth of heart which he had inherited from his poor and unhappy mother, has alluded

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Now a mist comes

fate! The King withdraw his favour! then farewell, a long farewell to all his greatness! What a fool has He been! The corn was not ripe. The moment was not auspicious. Villiers was with his master, possessed his ear. Fatal mistake! Such wise disparagement, at any other moment, had not failed. Now, alas! James has shown the letter to Villiers and I am undone.

His Majesty's admonition concludes in dreadful temper and haste. He finds fault with Bacon for daring to refuse the warrant to Coke, as well he may. He does not believe Bacon's protestations. If he pretends favour and love to Buckingham, why should he at the time help to cross his path? Essex wrote once, in effect, "Your services against me are active; your protestations are passive." The King will not speak of the obligations to Buckingham he is under, but merely of good manners. "It were simply good and decent behaviour not to attempt to thwart him in anything wherein his name had been used, till you had heard from him." But the proper course would have been to have given the warrant, and then written to us of the inconvenience of the match; "that would have been the part of a true servant to us, and of a true friend to him. But first to make an opposition, and then to give advice by way of friendship, is to make the plough go before the horse."

James finishes with this pregnant passage, which shows his disbelief in Bacon, and suspicion of his honesty.

Thus leaving all the particulars of your carriage "in this business to the *proper time, which is ever the discoverer of truth, we commend you to God.*"

In the 'Cabala,' there is a letter from Bacon, of the

31st,* in reply to this, which was probably written on the 28th. It is simply apologetic, and not unmanly, but explains that *he* will clear all up when the King arrives. Buckingham is silent. James does not return so rapidly as Bacon expected; is still idling, in his progress, south, in Lancashire and Cheshire.† On the 23rd of August, therefore, Bacon writes to Buckingham, that since his last letter he had sent for Mr. Attorney-General Yelverton, and made him know, that since he had heard from Court, he had resolved to further the match and the conditions thereof, “for your Lordship’s brother’s advancement the best I could. I did send also to my Lady Hatton, Coke’s wife” (she persists in her old title, and will not be called Lady Cook, as she pronounces it to vex Coke), “and some other special friends to acquaint them that I would declare, if anything, for the match so that they may no longer count on assistance. I sent also to Sir John Butler, and after by letter to my Lady (Compton), your mother, to tender my performance of any good office towards the match, or the advancement, for the mother. This was all I could think of for the present.” He concludes by complaining that Sir John Villiers and Lady Compton speak of him with bitterness and neglect. He thinks they are ruled by Coke and Winwood in the matter, the latter being more violent than Coke, who is “more modest and discreet.”

* Montagu, vol. xii., p. 65.

† In Nichol’s ‘Progresses,’ vol. iii. James is mentioned as being at Carlisle, August 4th; Appleby, 7th; Kendal, 9th; Ashton Hall, 12th; the residence of the Gerards, 15th; Preston, Lancashire, 17th; Houghton Towers, Chester, 23rd; Nantwich, 26th; Stafford, 28th; Coventry, September 2nd, &c.

To this epistle Villiers answers curtly two days after :—

“MY LORD,—

“I have received your lordship’s letter by your man ; but having so lately imparted my mind to you in my former letters, I refer your lordship to those letters without making a needless repetition, and rest,

“Your lordship’s at command,

“BUCKINGHAM.

“Ashton, the 25th of Aug. 1617.”

Buckingham is therefore offended ; his letter is as brief and sharp as may be. Bacon is disgraced with the favourite, and is a ruined man, if he be not timely advised. He is timely advised. He despatches Yelverton as an emissary to make terms with the King and Villiers. Yelverton reaches the court at Daventry or Coventry, and at once writes back to report himself to his chief :—

“MY MOST WORTHY AND HONOURABLE LORD,—

“I dare not think my journey lost, because I have with joy seen the face of my master the King, though more clouded towards me than I looked for.”

Yelverton, as Bacon’s tool, has been more officious in this matter than has been good for him. He has interfered between Coke and his wife ; has acted in all things at Bacon’s behest ; is even now sent on this errand by Bacon ; has altogether a different carriage from Bacon as Attorney-General—being but the puppet, while, when Bacon was Attorney, he pulled the strings, corresponded with the King daily, and moulded Ellesmere to his hands like clay.

The Earl of Buckingham is a courageous man, though

ambitious, and selfishly bent on aggrandizing his family. As honest, as a man living in so corrupt a court, could be. From his own letters, from Wotton's testimony, from Clarendon, we satisfactorily know, that up to this period of his life, his manner has been to some extent exemplary. He has been in no wise dizzied by his elevation. He has shown himself equal, as few men are, to good fortune. Yelverton sees him. With his usual manly candour, the favourite tells him that he is offended, but that he will not "secretly bite." This is his manner; he always declares his enmity with more circumstance even than Essex would have used, being no less bold if less generous. Having seen the Earl in the presence of Coke, who is now in great favour with Buckingham, on account of this match, he had an interview with the King. The King hopes he may clear himself, hears his explanation and declaration, and then dismisses him.

It is in effect that neither He, Yelverton, nor the Lord Keeper, ever hindered the match, but on the contrary, had, in "many ways, furthered the marriage;" that they had aimed only at checking Sir Edward's carriage in the affair, which they wished had been more temperate, "and more nearly resembling the Earl's sweet disposition;" (Yelverton is a courtier already, and no bad pupil of Bacon's).

Yelverton having concluded this his narrative, advises his chief, of the peril in which he stands, and suggests a mode of action as follows:—

"Now, my lord, give me leave, out of all my affections that shall ever serve you, to intimate touching yourself:—

"1. That every courtier is acquainted, that the Earl professeth openly against you, as forgetful of his kindness and unfaithful to him in your love, and in your actions.

"2. That he returneth the shame upon himself in not listening to counsel that dissuaded his affection from you, and not to mount you so high, not forbearing in open speech, as divers have told the bearer of this despatch, your gentleman among the number, to tax you, if it were an inveterate custom with you to be unfaithful to him, *as you were to the Earls of Essex and Somerset.*

"3. That it is too common in every man's mouth in court, that your greatness shall be abated, and as your tongue hath been as a razor to some, so shall theirs be to you.

"4. That there is laid up for you, to make your burden the more grievous, many petitions to his Majesty against you. My lord, Sir Edward Coke, as if he were already upon his wings, triumphs exceedingly; hath much private conference with his Majesty, and in public doth offer himself, and thrust upon the King with as great boldness of speech as heretofore."

Buckingham returns to London; and the next incident in Bacon's life must be supplied from the pages of Weldon.

Some historians or essayists have professed to doubt Weldon's narrative; we see not on what ground. With singular inconsistency, they have accepted the same writer's testimony on other subjects, where he is less to be relied on. Weldon declares himself the witness of the scene I am about to narrate. This is good evidence—as good as can be obtained now. He declares, with respect to some

other matters which have been freely incorporated into history, that he believes—that is not good evidence. However much, I may be inclined to doubt, that the haughty Lord Keeper, could be guilty of so profound a self-abasement, yet am I bound to credit the assertion of a man, who declares he saw it. Weldon is on the whole, I am inclined to think, an unimpeachable witness. He had no personal enmity against Bacon. The story was not one which a man could invent; all that could be charged against it, is perhaps, that out of animosity, Weldon exaggerated the details. But unless some one shows that Weldon had such a motive, I deny the right even to this impeachment of his veracity. I hold it to be good history. Consistent with all Bacon's character, consistent with the sequence of events before and after, improbable in no respect, impeachable by no prejudice. As the evidence of a qualified witness, detailing what he has seen, it is absolutely historic evidence of the first class, impeachable only by proof of incapacity in the declarer. On its face it seems authentic. The narrator has no apparent motive to be false. What he has seen he details.

Here is Sir Anthony's Narrative.

"Now was Bacon invested in his office [of Lord Keeper], and within ten days after, the king goes to Scotland; Bacon instantly begins to believe himself king; lies in the king's lodgings; gives audience in the great banquetting house; makes all other councillors attend his motions, with the same state the king had used to affect, when giving audience to ambassadors. When

any other councillors sat with him about the king's affairs, he would, if they sat near him, let them know their distance ; upon which, Secretary Winwood rose, went away, and would never sit more under his encroached state, but instantly despatched one to the king, to desire him to make haste back, for even his very seat was already usurped : At which, I remember, the king reading it unto us, both the king and we were very merry, and if Buckingham had sent him any Letters, would not vouchsafe the opening or reading them in public, though it was said requiring speedy despatch, nor would vouchsafe him any answer.

“ In this posture he lived until he heard the king was returning, and began to believe the Play was almost at an end. He might personate a king's part no longer, and therefore did again reinvest himself with his old rags of baseness which were so tattered and poor. At the king's coming to Windsor, he attended two days at Buckingham's chambers, being not admitted to any better place than the room where trencher-scrapers and lackies attended, there sitting upon an old wooden chest among such persons as, for his baseness, were only fit companions, although the honour of his place did merit far more respect, with his purse and seal lying by him on that chest. I told a servant of my Lord of Buckingham's, it was a shame to see the purse and seal of so little value or esteem in his chamber, though the carrier without it merited nothing but scorn, being worst among the basest. He told me they had commands it must be so. After two days, he (Bacon) had admittance. At first entrance he fell down flat on his face at the Duke's foot, kissing it, vowing never to rise till

he had his pardon. Then was he again reconciled, and since that time so very a slave to the duke and all that family, that he durst not deny the command of the meanest of his kindred, nor oppose anything (they desired).

"By this you see a base spirit is ever concomitant with the proudest mind, and surely never have so many parts and so base and abject a spirit tenanted together in any one earthen cottage as in this one man. I shall not forget his baseness being out of his place (after his disgrace), of pinning himself, for very scraps in that noble gentleman, Sir Julius Cæsar's hospitality, that at last he was forced to get the king's warrant to remove him out of his house; yet in his prosperity he (Bacon) being Chancellor, and Sir Julius Cæsar Master of the Rolls, he had so served and abused him, as to reverse everything the other did."*

This then is Weldon's account of Bacon's apology for this error; of Bacon's grand effort to retrieve himself in the favourite's graces, and to avert that ruin which his presumption has hurried him into; for although Bacon might have stood as proudly independent in his position as Chancellor, as Coke had done as Chief Justice, his practical knowledge of law and his public character have not been sufficient to warrant his promotion, or to warrant his present place. He has already confessed the envy of some in certain particulars; he knows well enough he is what he is by favour and not by merit; by secret chicanery, not by honest industry and

* Sir Anthony Weldon's 'Court and Character of James,' pp. 132 and 133.

integrity; that though crafty, he is not in favour with the judges, nor beloved by the people; that though he has made all his creatures judges, and advanced his followers well, according to the policy laid down in his Essays, yet that his foundations are not securely laid.

This reference of his indebtedness to Sir Julius Cæsar, who married Bacon's niece, seems to have been justified not merely by such facts as are at our disposal to day, but by anecdotes which have variously descended. Of Bacon's reconciliation, immediately after Buckingham's return, and neither before nor after, there can be no doubt. Whether it took place with every circumstance of humiliation here narrated, there must be some little doubt. Sir Anthony, so far as he saw, was unimpeachable, and no doubt from his narrative saw Bacon sitting ignominiously among the servants. Whether he witnessed or was only told of his kissing Villiers' feet is not certain; yet all his story has coherence. His offending Winwood, his subsequent animosity to that secretary, Winwood's dislike, the King's displeasure, hardly to be accounted for by the mere correspondence on the Villiers and Coke marriage, are all corroborative. Villiers pardoned Bacon on the ground on which he placed him in his post—his servility. He knew him and used him. That he did so is shown by his correspondence; and if it need further confirmation, it will be found in Weldon in the Appendix.

Desperate diseases require desperate remedies. Bacon gains back Villiers' apparent confidence, by Weldon's account, by a personal interview with Buckingham. His reconciliation is only explicable, however, by the supposition that Villiers knew him; that Villiers despised him,

but would continue to make him his tool, because he was more servile than any other man.

To explain this, we must refer to Weldon again. He alleges that Villiers obtained for him the Keepership on the distinct ground of his subserviency. That, with his usual outspoken daring, knowing and despising Bacon, he sent to him a messenger with this message, "That he knew him to be a man of excellent parts, and, as the times were, fit to serve the King in the keeper's place ; but he also knew him of a base and ungrateful disposition, and an arrant knave, apt in his prosperity to ruin any that had raised him from adversity ; yet, for all this, knowing him a good servant, had obtained the seals for him, but would give him this assurance, that should Bacon requite his, the Earl's, services as he had done some others to whom he had been more bound, he would cast him down as much below scorn, as he had now raised him high above any honour he could ever have expected." *

This Sir Anthony states as of his own knowledge, how derived he does not say : the story is certainly most probable, being eminently characteristic. That the language was only in effect, and not precisely as stated, may, however, be considered probable. Bacon's answer to this direct and open insult, according to Weldon, was no less in accordance with his character.

Bacon, at this time Attorney-General, patiently hearing the messenger, replied : " I am glad my noble lord deals so friendly and freely with me, and hath made that choice of so noble and discreet a friend, that hath delivered his message in so plain a manner ; but saith he, can, my lord,

* Weldon, ' Court and Time of James,' 1650.

know these abilities in me and can he think, when I have attained the highest preferment my profession is capable of, I shall so much fail in my judgment and understanding as to lose these abilities, and my ingratitude cast myself headlong from the top of that honour to the very bottom of contempt and scorn? Surely my lord cannot think so meanly of me." The gentleman replied: "I deliver you nothing from myself, but the words are put into my mouth by his lordship, to which I neither add nor diminish; for had it been left to my own discretion, surely, though I might have given you the substance, yet should I have apparelled it in a more modest attire; but as I have faithfully delivered my lord's to you, so will I as faithfully return yours to his lordship."

Weldon, while on the theme, proceeds to explain that this conduct of the Earl's was based on his knowledge of Bacon's ungratefulness to Essex, "for the Earl saved him from starving," for which he requited him in such a manner as his (Bacon's) Apology must witness. Had there been no crime, there needed no such defence, "and only an age worthless and corrupt in men and manners could have thought him worthy of such a place of honour."

I know not how to refuse this testimony, coming commended, as it does, with every probability. Men cannot so conceal their crimes that they shall not gain wind. Buckingham knew of Bacon's conduct to Essex; it must have been, as we see from Yelverton's letter, common talk. Lord Southampton, Essex's friend, is at the court still: there be many as well as he, to tell the tale. But the favourite wanted a tool to enrich his family and himself.

Bacon was the precise man, yet it was necessary to guard against his treachery by an open explanation. Buckingham is no such fool as the King, to be gulled by fair words and flattery, and profane allusions to Scripture, and devout scraps of piety. He demands acts. Will Bacon lend himself? He will. Then the bargain is made; but it is so ill dealing with a knave that Bacon has already played Buckingham false; and the point is, shall he hurl him down, or continue to use him?

He decides on the latter course; he restores him to some degree of favour, writes at once in behalf of certain suitors in Chancery, and uses him altogether as his lackey and slave. This is undeniable. Here is the letter, showing that pardon has been granted.

TO THE EARL OF BUCKINGHAM.

“My ever best lord, none better than yourself,—

“Your lordship’s pen, or rather pencil, hath portrayed towards me such magnanimity and nobleness and true kindness, as methinketh I see the image of some ancient virtue, and not anything of these times. It is the line of my life, and not the line of my letter, that must express my thankfulness; wherein, if I fail, then God fail me, and make me as miserable as I think myself at this time happy, by this reviver, through his Majesty’s singular clemency, and your incomparable love and favour. God preserve you, prosper you, and reward you for your kindness to your raised and infinitely obliged friend and servant,

“FR. BACON.

“Sept. 22, 1617.”

September 5.—A letter of Buckingham’s at Warwick shows that Bacon, in his anxiety, has sent a great number of letters begging him to reconciliation. Another, undated, refers to the very interview which Weldon pro-

bably refers to. From it we glean that Bacon offers to make "a submission in writing," which can be for no other purpose but that his word is considered of no avail.

In October we find the two gentlemen again in correspondence. On the 11th, Bacon writes to Buckingham, detailing his work in Chancery, and from this letter we learn that the case of Egerton's, one of those in which he was afterwards charged with bribery, is now pending. He has spoken with all the judges, signifying to them his Majesty's pleasure, in this acting as the mere mouthpiece of the King. The committee are proceeding with the purging of Coke's Reports, "wherein I told them his Majesty's meaning was not to disgrace the person but to rectify the work, having in his royal contemplation rather posterity than the present. The case of the Egertons I have put off according to his Majesty's commandment," &c.

Herein we gain another glimpse at the depravity of Bacon's mind. Justice is a mere mockery, if it be not independent of bias, or partiality to persons, yet here we see Bacon making it subservient to a King's wishes. How opposed to Coke's practice! Coke is only head of an inferior court; he is not the legal head of the realm; yet he, standing by the majesty of law, has defied the monarch, and has shielded and protected the subject against him. Can any one ever more wonder why Elizabeth, who knew a man's character by intuition, did not favour and raise her "young Lord Keeper?"

October 18th he sends another letter, alleging that he has "reformed the ordinance according to his Majesty's corrections;" another proof of the interference of the

crown. On the 28th of October, Buckingham, who wishes some illegal act done for his own benefit, writes to praise Bacon for his zeal in the King's service. On the 28th, we have a letter from Bacon declining the illegal service, albeit on the face of it, there is no abuse concerned with it. As the letter is rather favourable to the Lord Keeper than otherwise, I will give it.

"MY VERY GOOD LORD,—

"I send your lordship the certificate concerning the enrolment of apprentices. We can find no ground for it by law. Myself shall be ever ready to further things that your lordship commandeth; but where the matter will not bear it, your lordship, I know, will not think the worse, but the better of me, if I signify the true state of things to your lordship, resting ever,

"Your lordship's true friend and devoted servant."

In November, he is busy reorganizing the King's household, the expenses of which are compelled to be curtailed by James' straitened means.

On 12th November, 1617, we find Buckingham pleading in behalf of Lord Stanhope, my Lord of Huntingdon, and Sir Thomas Gerard, and again, on the 22nd, in the matter of controversy between Barnaby Leigh, and Sir Edward Dyer, plaintiffs, and Sir Thomas Wynes, defendant, desiring favour for the plaintiffs so far as the justice of the case shall require. Yet on the very next day he writes again, this time to demand Bacon's furtherance in the business of Sir Richard Haughton's alum mines, for the present relief of Sir Richard Haughton. "Any favour you will do I will not fail to acknowledge," says Buckingham, and doubtless he will keep his word. Again on the day after there is an application on behalf of one

Thomas Stukely, a merchant; and on the 4th December, Sir Thomas Blackstone, he being a brother-in-law of Sir Henry Constable, whom Buckingham much respects. On New-Year's day, 1618, Buckingham is made Marquis of Buckingham; and so well do these gentlemen play into each other's hands, three days after Bacon is made Lord Chancellor and Baron Verulam.

In January, 1618, we light on another important letter, from which we learn that the suits in Chancery of Villiers' friends or suitors are,—Hawkyn's, Sir Rowland Egerton's, Sir Gilbert Houghton's, and Moore's, this last being a patent for printing books, and "concerning the suit for ale-houses which concerneth your brother, Mr. Patrick Maule. I have conferred with my Lord Chief Justice, and Mr. Solicitor thereupon, and there is a scruple in it, that it should be one of the grievances put down in parliament; which if it be, I may not in my duty and love to you, advise you to deal in it; if it be not, I will mould it in the best manner and help it forward."

Within a week of the dignity of Chancellorship being granted, Villiers solicits, in a letter from Royston,* Bacon's aid, "favour, and furtherance" in the licence of ale-houses, for the benefit of his brother Christopher, "whose benefit I have reason to wish and advance by any just courses."

It was among the grievances already struck at in parliament. Notwithstanding its illegality, notwithstanding its oppression, as it is to enrich the favourite's brother, Bacon will assist in it, if it is not contrary to parliament. There is no word against its iniquity or its injustice, but being

* Montagu, vol. xii., p. 346.

dangerous the Chancellor will advise Villiers in prudence not to push it.

From this same letter we find that Bacon's life has been threatened by one of his suitors, Lord Clifton. Bacon recommends an information in the Star Chamber, but will, from merciful consideration, withhold it for the present. In March, this same Lord Clifton, however, abuses Bacon to the King.

Five days after Bacon's elevation Villiers writes the following peremptory letter to the man he has just invested with the dignity of Lord Chancellor and Baron Verulam; in the suit of the Egertons, and actually defining the precise manner in which it is to be settled* :—

TO THE LORD CHANCELLOR.

“MY HONOURABLE LORD,—

“I have heretofore recommended unto your Lordship the determination of the cause between Sir Rowland Egerton and Edward Egerton, who I understand did both agree, being before your Lordship, upon the values of the whole lands. And as your Lordship hath already made so good an entrance into the business, I doubt not but you will be as noble in furthering the full agreement between the parties: whereunto I am informed, Sir Rowland Egerton is very forward, offering on his part, *that which to me seemeth very reasonable*, either to divide the lands, and his adverse party to choose; or the other to divide, and he to choose. Whereupon my desire to your Lordship is, that you would *accordingly make a final end between them*, in making a division and setting forth the lands according to the values agreed upon by the parties themselves. Wherein besides the charitable work your Lordship shall do, in making an end of a controversy between those, whom name and blood should tie together

* Montagu, vol. xii., p. 345.

and keep in unity, I will acknowledge your favour as unto myself and will ever rest

“ Your lordship’s faithful servant,

“ G. BUCKINGHAM.

“ Theobalds, 9th January, 1617 (1618, N.S.)”

We cannot now see all the strings, the wheels, and works of the machinery of that day; but plainly as anything can be interpreted, this note declares on the face of it—I have received a bribe in money or in kind, and therefore desire you to decide accordingly. Either Villiers is much more angelic and disinterested than the rest of the evidence against him would lead us to suppose, or this is a fair and correct interpretation. But if Villiers has been fee’d, the Chancellor, while obeying him, will be bribed too. For this is one of the identical cases in which Bacon afterwards acknowledges his receipt in all of seven hundred pounds, by two instalments, from Mr. Edward Egerton—a sum, be it remembered, equal to as many thousands in our days.

The answer to this we have just read. Intermediately, another application on behalf of Sir John Cotton, who has been put from his office of *custos rotulorum*.

On the 19th, we find Bacon acting in concert with the Bishop of Winchester (Dr. James Montagu), Bacon’s nephew Sir Julius Cæsar, and Dr. Andrews, the Bishop of Ely. His servants, Sir Henry Montagu, and Sir Henry Hobart, Justices Dodderidge and Hutton, holding, at the instance of the King, an extra judicial court, concerning tithes.

On the 20th, we find that Bacon had displaced Cotton

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will bear when it c
Again, on the 4th of
John Hunt, "for the
patents;" and on the s
party; Sir Thomas Mc
friend the Lord Norris, a
Bassett, desiring what fa
and on the 7th, we arri
which is to bind Bacon,
when he is hurled down,
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Sir Giles Monpesson, a n
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Justice Greedy of Ben Jon
brother John, in a patent f
the better to defraud the
partnership one of Villiers'

Chap. II

or—pernicious. The whole country from end to end adorns itself with trappings of gold and silver thread. It is as much the fashion as ribbons or broad cloth to-day. The serving man, the knights, the prentices, the aldermen, all wear it. The imposition is, of course, eminently profitable, while the quality of the article vended is so notoriously bad, that it is said to cut and corrode its way into the flesh of those who use it.* It is the culminating and crowning iniquity of Monopolies. Other patents have been granted touching matters of more absolute necessity, but none in which so overwhelming a fraud on the public has been contemplated or accomplished. We have seen that Egerton, compliant and courtier-like as he was, refused to seal this and another patent for the licensing of inns, granted to the same persons. On the 7th of February, Buckingham writes, “marvelling that his Majesty heareth nothing of the business touching the gold and silver thread”—an allusion which shows first his interest, next the Chancellor’s complicity, and, as he refers to his Majesty, either his fear or dislike to be identified with the fraud.

Five days after, and during Hilary Term, there is a letter of Buckingham’s, acknowledging Bacon’s services and kindness for a favour done to one of his suitors, Edward Hawkins; and again, at the opening of Easter Term, another interference between party and party, in behalf of Sir Rowland Cotton, in a suit against John Gawen; and in Trinity Term, again in behalf of a Mr. Hansbye. This being one of the cases in which, like the Egertons’, Bacon not only served his patron Villiers, but also served him-

* Disraeli the elder.

self, by obtaining from the suitors a large sum of money in the form of a gift or bribe—thus doubly benefiting in favour and in purse. It is not many judges who would have ingenuity so to combine advantages, while maintaining the semblance of justice. But Francis Bacon was no ordinary tactician.

On the 15th of June, Buckingham writes again in a suit of Lady Vernon's, avowedly on behalf of the king. Three days after to intercede for Sir Rowland Cotton, in his suit in Chancery in the matter of costs. Although the decision has been against Sir Rowland, "yet he acknowledges himself much bound to your lordship for his noble and patient hearing." This letter is precise and emphatic, "because I am certainly informed Sir Rowland Cotton had just cause of complaint. I hope your lordship will not give any (costs) against him." Buckingham writes to Bacon in August a long and important letter concerning this gold lace patent. A petition against it has been presented to the King: his Majesty refers it to Bacon. The patentees are being injured by the smuggling in, from foreign parts of gold and silver thread, as well as by the large quantities now remaining in merchants' hands. Bacon is requested to interfere; "he is to prosecute the cause he has so worthily begun, for prevention of further abuses therein; so as the agents may receive encouragement to go on quietly in the work without disturbance." *

On the 4th of October we find that the Chancellor with his old colleagues,—Montagu, Yelverton, Coventry, all now in office—are appointed by the King into a commission in the gold and silver thread business. This

* Birch; Montagu, vol. xii., 353.

month Buckingham is again interceding for a suitor, Sir Henry Englefield. On the 22nd, a peremptory note from Buckingham desires the prompt and final settlement, "full arbitration and final end" of a suit of Mr. Francis Foljambe *v.* F. Hansbye, and so the correspondence goes on—Buckingham asking favours for suitors, Bacon indubitably granting them.

This proposition may not seem self-evident, yet can it be supposed that Buckingham would persist in writing useless letters? that he would acknowledge favours never granted? that suitors would seek him and so strengthen his influence at court, if they were not sure of gaining their ends? In November, and the following months, we find "a recommendation of the business of Mr. Wyche," a second application, the time of trial drawing nigh; a letter "in behalf of Dr. Steward." The last contains this sentence—"I have thought fit to use all freedom with you in this as in other things," and on the latter, Bacon answers: "I forget not your doctor's matter; I shall speak with him to-day, having received your lordship's letter, and what is possible shall be done."

About this time Bacon's iniquities grow apace. First, James, out of his cowardly fears, desires, as he thinks with good policy, to unite with the Spaniards. To this end he will sacrifice Raleigh, their old foe in England. The motive for James' Spanish tendencies can only be found in his fears. He weakly thinks that it will be a good pact, to disarm an enemy by making him your friend. In some cases this may be, but never where there is so great an antipathy of blood, and race, and religion as then existed. Raleigh, however, was in the way, and the

King wished his removal. In 1603, he had been tried for high treason, and his sentence was then commuted. He was afterwards employed by James, with very full and complete powers, to colonize America, though he has never prospered since Essex's death, having become eminently unpopular for his carriage towards that unfortunate nobleman.

James would have him executed on the old sentence. Bacon as a lawyer, knows this will never do—that such a punishment would be contrary to all law. He prefers, as usual, more insidious courses. On the 18th of October he writes a long letter, directing the King how to proceed. On the 24th, Raleigh is told he will be executed ; on the 28th, he is sentenced ; on the 29th, beheaded. At the end of November, we find that he has issued a pamphlet to blast Raleigh's character with the nation, as a justification of his recent execution, just as he had done for Essex. The composition bears unmistakeable proof of Bacon's hands, and should long since have been incorporated in his works.* This 'Declaration of the Demeanour and Carriage of Sir Walter Raleigh, knight,' was printed at London, in quarto, early in December. A part is absolutely in Bacon's hand, it was certainly under his supervision. His own letter says : " We have put the declaration touching Raleigh to the press with his Majesty's additions, which were very material and fit to proceed from his Majesty."

Next, Bacon's care is to suggest to the King a mode of raising funds by making aliens denizens of this country. It was a private suggestion contained in a book

* Vide Appendix.

by a Mr. Hall, that first showed how this might be accomplished. Bacon stopped the publication of the book, and advised the King to grant a commission or monopoly for the creation, thus seizing on the idea of a subject, and hindering him of his advantage for the Royal benefit. A few extracts from his letters to and from Villiers during December will show the progress of his indefatigable labours for his Majesty and his favourite.

VILLIERS TO BACON.

“MY HONOURABLE LORD,—

“I having understood by Dr. Steward, that your Lordship hath made a decree against him in the Chancery which he thinks very hard for him to perform, although I know it is unusual to your Lordship to make any alterations, when things are so far past; yet in regard I owe him a good turn, which I know not how to perform but this way, I *desire* your Lordship if there be any place left for mitigation, your Lordship would show him what favour you may, for my sake, in his desires, which I shall be ready to acknowledge as a great courtesy done unto myself, and will ever rest

“Your Lordship’s faithful
friend and Servant.

“Newmarket, Dec. 1618.

“G. BUCKINGHAM.”

BACON TO VILLIERS.

“MY VERY GOOD LORD,—

“ . . . There came to the seal about a fortnight since a strange book passed by Mr. Attorney to one Mr. Hall; and it is to make subjects, (for so is denization), and this to go to a private use, till some thousand pounds be made by it. . . . I acquainted the Commissioners with it, and by one consent it is stayed. But let me counsel his Majesty to grant forth a commission of this nature so to raise money for himself, being a flower of

the crown; and Hall *may be rewarded out of it*. . . .
God ever bless and prosper you.

“Your Lordship’s most faithful
and obliged Friend and Servant,

“Dec. 8, 1618.

“FR. VERULAM, *Canc.*”

BACON TO VILLIERS.

“MY VERY GOOD LORD,—

“ The patent touching Guinea and Bynny (Bonny?), for the trade of gold, stayed first by myself, and after by his Majesty’s commandment, we have now settled by consent of all parties.

“Mr. Attorney by my direction hath made upon his information exhibited in the Star Chamber, a thundering information against the transportation of gold by the Dutch;* which all the town is glad of; and I have granted divers warrants of *Ne exeat regnum*, according to his Majesty’s warrant. God ever bless you and keep you.

“Your Lordship’s most faithful
and bounden Friend and Servant,

“FR. VERULAM, *Canc.*”

The multifarious demands on his time have not hindered him from concerning himself actively in a case of the Earl of Ormond’s—against whom there was at the instance of James, given subsequently, a most iniquitous decree, which Ormond refusing to submit to, was committed to the Fleet, remaining in prison till 1625

In January and March, 1619, the old correspondence proceeds—favours asked and acknowledged for Sir John Wentworth, and a petitioner whose name, as he is the bearer of his own note, is not given. In April, there is an interference in the suit of Sir Arthur Manwaring at the instance of the King, Sir Arthur having been steward

* This has reference to the Monpesson Monopoly, and is in aid thereof.

to Lord Ellesmere. On behalf of Philip Bernardi, possibly, a just and proper interference merely on state grounds. In May, Francis Verulam is moving in Suffolk's business. This Peer had been made Lord Treasurer in 1614. In his office he was in the way of Villiers. The Favourite will have none but his merest tools and dependents about him, and is anxious to supplant him by Lionel Cranfield, "an informer," a man of base and despicable character, whom he had raised step by step, through several grades of promotion, as he has elevated Bacon. Cranfield was a man, doubtless, of considerable penetration and sagacity, an acute and useful man of business, but on all hands admitted to be, a man of deplorable rascality. He has for his advancement, and the better to bind himself to Villiers, married into his family, for Villiers in all things takes Bacon's advice, as to advancing and supporting oneself by followers.

In deference to his patron's wish, Bacon has long laid himself out, to attack the Suffolks. He is the friend of Cranfield; and Cranfield, as we know from Villiers' letters, takes every opportunity of eulogizing Bacon, which Villiers, knowing it to be to his own interest to have his creatures amicably bound together, duly reports to Bacon. As far back as July of last year, Bacon, in a letter to Buckingham, attacks Suffolk, from which we may learn which way the wind sets. In May, Buckingham—for by this time the king is only the puppet in the Earl's hands—grants Bacon 1,200*l.* a year, in answer, perhaps, to a begging petition for some substantial favour addressed to his Majesty, through the Earl, some time before. We find no correspondence now with James. The Earl is too wise to

permit that. He is the medium of all communication with the sovereign. He fears not such men as Cranfield or Bacon, but he will not trust them between himself and his master. Promotion, advancement he will give them. He shines more in their honour, but trust them he will not.

In May, 1619, we find Bacon dealing in a case of witchcraft, and desiring his friends, Sir Thomas Leigh and Sir Thomas Puckering, to deal with the person accused, one John Clarkson of Knowington.* Before this however, probably in December of the preceding year, Bacon, with his colleagues Montagu and Yelverton, have decided that the gold and silver thread business is likely to be very profitable to his Majesty, and to yield him at least 10,000*l.* a year, and should therefore be proceeded with.† We find, moreover, that the Sir Gilbert Houghton, benefited in his suit at Villiers' entreaty, is a follower of that nobleman. We have also proof that two men, Lewis and Williams, having entered into a contract for a monopoly in the transport of butter out of Wales with Villiers' brother, refuse to perform the condition of their contract so far, it is presumed, as to pay the Villiers' their share of the plunder. This patent, sealed by Bacon, is conditional on the concealment of the Villiers' name and a division of the spoil; whereupon Bacon's aid is again needed to use the Chancery, as a means of vengeance to complete this private bargain, in which, no doubt, Buckingham himself is directly interested.

Bacon is now in high favour again. His praises of himself, in James's own words, as pursuing affairs, "sua-

* Mallett, Montagu, vol. xiii., p. 5.

† Stephen, Montagu, vol. xiii., p. 17.

vibus modis," and as being, "in the words of St. Paul, omnibus omnia," all things to all men, and as pursuing great courses, "sine strepitu," noiselessly, are frequent. In September and October, James, through Buckingham, frequently praises the Chancellor. He is retrieving his ingratitude. He is carrying the "ore tenus," concerning the Dutch exportation, with great diligence in the Star Chamber, in this procuring the King fame, and enriching the family of the favourite. Buckingham again addresses him as his faithful friend and servant; and in one letter says that his slave, in the Roman fashion, deserves a garland for his services, and desires him also to bear his thanks to Coke, showing that again the Chancellor is triumphant and rides above his adversary.

In June, July, and August, he is preparing for the trial of Lady Exeter, accused of incest, and Suffolk's cause fixed, *de bene esse*, the third sitting next term.

Bacon about this time grows absolutely affectionate. He and Buckingham never interchange an epistle without a vast display of love, that with such men argues little for its sincerity or continuance. The grant of 1200*l.* a year in the preceding May, has produced this fervour. The Chancellor is, as usual on the instant—grateful. It is unluckily the case that the converse of the proverb that "when knaves fall out," &c., especially holds—this newly-cemented affection auguring much mischief to the commonwealth. Here are some of the evidences of these new ties of consanguinity.

BACON TO VILLIERS.

" This morning the King of himself did tell me some testimony, that your Lordship gave of me

*... desire to be
worth to such an owner.*

"God ever preserve

"Your

"July 19, 1619.

BACON

*
"I am glad the
have the happiness to k
embrace your lordship.

"August 28, 1619.

In October, Buckingha
suitors, and now the infan
of Buckingham's stumblin
As usual, when miscreant
plished, Montagu and Hol
worthy preservation.

TO THE MARQUI

VERY GOOD LORD

public; as, namely, those three points which touch upon the ordnance, the army of Ireland, and the money of the cautionary towns; and the two Chief Justices (Hobart and Montagu) are firm in it. I did also in this cause, by the assent of my lords, remove a part; for Mr. Attorney had laid it upon Sergeant Davies to open the information, which is that which gives much life or coldness to the cause. But I will have none but trained men in this cause; and I cannot forget that the allotting of the opening of the information in this cause of the Dutch (I mean the main cause) to a mean fellow, one Hughes, did hurt, and was never well recovered.

"By my next I will write of the King's estate: and I ever rest,

"Your Lordship's most obliged Friend
and faithful Servant,

"Oct. 14, 1619.

"FR. VERULAM."

In the same month the Suffolk case is tried; and Verulam writes during the progress of the trial to Buckingham, to tell him how he has warped and hindered justice:—"That this day the evidence went well; that a little too warm the business. I spake a word," viz., against the prisoner, "to this effect—That he that drew or milked treasure from Ireland, did not milk money but blood."

In December, Bacon takes Monpesson down with him to Kew. Monpesson has some schemes professedly to assist the King's revenues. From this we see that amity exists between the two men—that a show of public service is made to cover the nefarious dealings of this arch-swindler Monpesson. The conclusion of the letter, December 12th, referring to this, is interesting.

Bacon communicates to the King that he has obtained a verdict in the Suffolk case, to put him out of suspense.

Their fines will be moderate, but far from contemptible. Buckingham answers, "that the King gives many thanks to Bacon, having seen his exceeding diligence in this great business, and that he, James, sees that he plays the part of all in all."

Bacon announces that the fines in the two causes (that of the Dutch and the Suffolks, it must be presumed) are 180,000*l.*: Suffolk's was 30,000*l.* "And if the King intend any gifts, let them stay for the second course; for all is not yet done; but nothing out of these, except the King should give me the 20,000*l.* I owe Peter Vanbore out of his fine, which is the chief debt I owe. But this I speak merrily."* A modest request for a Chancellor to make, and little in accordance with his lofty office, inclining to suspicion that Vanbore has suffered through being his creditor.

After looking at these facts may we not ask, Is there neither shame nor decency in Verulam? He has received 1200*l.* per annum, yet he begs for more. He aims already at further dignities and elevation in the peerage, and looks forward, doubtless with complacency, to the prospect of the Garter, an extended power, and a more widely gratified ambition.

But when the fruit is ripest the shedding of the seed is nigh, and danger dwells hard by honour, as death is the end of ambition. Let the pride that goes before destruction and the haughty spirit, beware!

* Birch; Montagu, vol. xii., p. 380.

CHAPTER XXI.

AT last a nation, groaning under every conceivable iniquity of taxation and extortion—illegal, rapacious, and arbitrary—is to have redress. A parliament is to be called. In November and December, Bacon is busy arranging the writs. At the same time he is examining Peacock, and with his old wickedness urging that he shall be put to the rack. He is consulting with Buckingham and the King as to the measures to be adopted before, and after the opening of parliament to quiet the clamours of the outraged nation. From end to end of England, the cry of oppression has gone up. Petitions have flowed into Knights of shires, complaining of the extortion of patentees, particularly of Monpesson and his agents, in the matter of inns and gold lace. Petitions have also poured in concerning Bacon and his court. He has been charged with taking bribes. It has been openly whispered about, that there was no sure way of obtaining justice but with money in hand to sue to the Lord Chancellor.

The last six years of Bacon's and Villiers' administration have carried the country a hundred years forward in suffering, in misery, and in revolt. If twenty years shall

see a king beheaded, how much have Bacon and Villiers done towards the act! But public cares do not bear down the indefatigable hand of the great Chancellor. On the 10th of February he has time to write, "If it may not be done otherwise, it is fit Peacock be put to torture. He deserveth it as well as Peacham did."

The defence of Bacon's friends has sometimes been, that he was justified in Peacock's racking, because Coke's name is to his deposition; that, in other words, Coke was as criminal as Bacon. Here we see that the fact is not so. Bacon is the supreme adviser of the crown. He directs in chief. To give colour to his proceedings, he has only to desire Coke's name to a document. Coke might refuse, it is true, but it would be extraordinary and beyond precedent to do so. The diabolic suggestion we see here originates with Bacon. He is the arch proposer. It is not the monarch this time who desires it, but Bacon. If the Chancellor obtain his wish as he does, Coke has only to put his name to the depositions, and has no power to stay Verulam's hand. It is Bacon's sin, that he is chargeable with a second case of torture; that to his eternal infamy it is to be charged upon him; that he is the "all in all" of the iniquity. Peacham was an old man, and in the course of events could not have hoped to live long. To weaken him, to deprive him of health and strength, to cripple him, or make his life a burden, were very grievous; but if it were so, this case of Peacock's is even worse.

Shall we depict the strong man led out bound to worse, much worse than death? In death there is a swift reprieve, a sharp pang, but the journey is dark, and without

imagination a man has few evils to encounter. But the prospect of a lingering life in pain, with broken bones, with diseased joints, will strike the most callous heart. If the man is borne down even to tears who shall be surprised? He knows that ere the sun has gone down, his hopes of life and joy will be crushed for ever. That for him henceforth existence will drag wearily on. That his strength will be but weakness, his life but a heaviness, his course of hope but despair. He will be old before his time, smitten swiftly, as by an assassin stroke, with age. Blasted into misery and grief. He recoils at the ghastly and bloody instruments of torture, the wheel, the "manacles," the slow fire—Bacon's suggestion—and the torturing screws. He knows that the flesh will be torn from his quivering body, and that death were a merciful and noble relief.

Yet such a fate was the apostle of truth prepared to inflict on his fellow man for the basest hopes of self-aggrandizement—such cruelty enact, with the mere hope of conciliating a patron, and of establishing himself in power.

In this very letter, containing the suggestion, "*If it may not be done otherwise, it is fit Peacock be put to the torture,*" there is a claim made for praise so like satire that Satan might have guided the hand.

"As without flattery I think your Majesty the best of Kings, my noble Lord of Buckingham the best of persons favoured, so I hope without presumption, for my honest and true intentions to state and justice and my love to my master, I am not the worst of Chancellors."

No great changes have taken place during the last

twelve months. The same even course of favouring Villiers' suitors is held. Yelverton, however, has fallen a little into disfavour with Bacon. In February he writes to Buckingham : " Mr. Attorney growing pretty pert with me of late ; but be they flies or be they wasps, I neither care for buzzes nor stings in anything that concerneth my duty to his Majesty or to your lordship." In June he is informed against at Bacon's instance in the Star Chamber, and the Commissioners advise his sequestration.* Bacon has framed some laws for the management of the Star Chamber, which he regards as one of the pillars of the state, although contrary to the common law of the realm and a mere court of inquisition.

In October of this year he has brought out his ' *Novum Organum*,' which he dedicates, in his usual and characteristic style of servile adulation, to his Majesty, styling him among men " the greatest master of reason and author of beneficence." He is not unaware of the unpopularity and scandal created by the monopolies. In November he speaks of two—" the one of Sir Giles Monpesson, touching inns, the other touching recognizances for ale-houses, are more renowned both by the vulgar and by the gentlemen, yea, and by the judges themselves, than any other patents at this day." In December he suggests that while parliament lasts they should be abolished, to be restored again after.

In January 1621, he is created Baron St. Albans by plenary investiture.

" This is the eighth honour," writes Bacon, in acknowledgment of the royal favour, " your Majesty hath

* Montagu, vol. xii., p. 372.

given me, a diapason in music, even a good number and accord for a close."* He little thinks how nearly his wisdom is prophetic.

On the 30th, Parliament met, James opening it in person, and, contrary to his usual custom, riding and saluting the people, with much graveness, saying, "God bless ye!" till coming opposite a window where some ladies were seated in yellow ruffs, the royal dignity could not contain itself, but shouted out, "Pox take ye! are ye there?" he having an aversion to that fashion.

One of the first acts of the new Parliament is to declare for freedom of speech, beginning with religion. The Commons commenced, as Bacon feared, with grievances, particularly those referring to Mitchel and Monpesson. On the 23rd, Mitchel is sent ignominiously to the Tower: by the 8th Monpesson has fled, and a proclamation has issued. On the 10th, a conference was held by both houses on the subject, "the inducement to this conference being to clear the King's honour touching grants to Sir Giles, and the passages in procuring the same." At this conference Bacon, hardly to his surprise, because he knew himself implicated, but perchance with fear, found himself involved.

The Earl of Pembroke afterwards complained that St. Albans and the new Lord Viscount Mandeville (Sir H. Montagu), the Lord Treasurer, spoke in their own defence, not being allowed to do so when the committees were named;† in other words, taken from Camden, the House complains that the lawyers whom they sent to

* Feb. 17, 1619-20. Montagu, vol. xii., p. 403.

† Montagu, vol. xii., p. 405.

appeal and refer a matter to the Lords, acted deceitfully and prevaricated. This is on the 9th of March. Now this mighty tower which Bacon has with so much labour builded upwards to scale the skies, in defiance of truth and justice, of heaven's mandates, and the fear of God, rocks to its fall. Tongues wag against him, prevarication cannot save him.

The House is in earnest. Gondomar's sarcasm, "That there are many people in England but no men," has gone out, and will strike fire in many hearts. What though near twenty years of wretched rule have reduced an orderly household into chaos and disorder. What though miserable imbecility has degraded the court, turned the sword of Hercules into a distaff, made Samson a blind buffoon; yet there is vitality left.

Only those who know in a house of business, in a bank, in a household, in a corporation, what evil may be wrought by incompetency, can appreciate the mischief. Yet every evil is magnified by the scale of its enlargement. 'Tis not a town, or city, but an empire that has been endangered. Crime has begotten crime till the progeny is monstrous in number and form. The utmost imagination can barely conceive what seventeen years of James's government have wrought.

All historians agree on this point. The profligacy of the court is unparalleled. There is no statesman, no lawyer, save Coke, worthy the name. Villiers is the Monarch, and he, preferring pleasure to work, is in great part ruled by his mother. The King is but a puppet in their hands. She, the Lady Compton, has the best head and the most powerful hand at court. Gondomar writes

home, professedly to his master, that there is hope of England's conversion to their faith now. "More prayers are offered to the mother than the son." The Commons see in the mother and her brood the authors of all their misery. They are loth to strike at the crown, such divinity doth hedge a King. They are not strong enough yet to touch Villiers, that will come by-and-by. Coke will do it. No man else. No other man will dare. No other man will have the power. But at present the branches must be lopped, though the timber stand. Bacon and Yelverton are compromised. Mitchel, Monpesson, and Villiers' brother. Two of the gang have fled. Mitchel is in the Tower. Bacon and Yelverton are at hand.

But Bacon's complicity in these monopolies—Bacon's merely indirect aid in their frauds—will not be his downfall. He is too high for that. Matter blacker is at hand. For months petitions have grown, accusing him of scandalous practices as a judge. He, the fit and worthy confederate of Monpesson and Mitchel, must stand and fall with them. The Commons is hot on the scent. His case is pernicious in the extreme. Coke knew him from the commencement; hence their antipathy. He will take care that Bacon has justice. In all their long quarrel, his rival has shown great forbearance, save and except his carriage against him as Attorney. The great Chief Justice has borne with him. He did not answer his virulent letter. He apparently never resented it. He knew his duplicity, his cowardice, his treachery. But no accusation or abuse of Bacon lies in his writings against him. He has observed, "that his gettings were like a prince with a strong hand, and his spendings like a pro-

digal with a weak head," and has forborne to let mere personal animosity induce vengeance, to fall. But another hand than his, is to fashion the stroke, a greater power than his, urge on retribution.

Here is the history of the proceeding.

On the 6th of February, Mr. Glanville rises to speak. There is a general complaint throughout the Kingdom of the great scarcity of money, and it is a question well worthy the consideration of this house whether this complaint be well or ill grounded. In some places the price of land has fallen for twenty years' purchase to as little as twelve or thirteen years'. Landlords can get no rent for their lands. No money has been coined these ten or twelve years. Some say there is too much coin carried northward (a hint to the King); some say that it is the excess of plate used by the nobility and gentry, others the transport abroad, or the patent of the East India Company.

Sir W. Spencer, son and heir of the Lord Spencer, with the bluntness of youth rises to speak. He plunges at once *in medias res*. He speaks the popular thought. There is also another and a better reason than any of those given by Mr. Glanville—a patent for gold and silver lace, which hindereth to the extent of 40,000*l.* per annum the country, by preventing the importation.

Sir Edward Sackville rises. It is proper and usual to proceed in such matters by petition to the King. That in all such petitions certain referees, competent to decide on the merits of the question, are appointed. There have been referees so appointed in this very case (Sir Francis Bacon, Montagu, Yelverton, Sir Edward Coke). He there-

fore desireth that those who were referees in this business, and have satisfied his Majesty of the convenience of it, and have thereby so much abused both his Majesty and the commonwealth, may be known, and that their reasons be examined, to the end that they may receive the blame and shame of it.

Here then is the commencement of the inquisition into Bacon's delinquencies that will end in his ruin. It proceeds from an independent member of the house, from the member for Sussex, a man having no interest whatever for or against Bacon, who merely acts in the cause of justice.

Sir Giles Monpesson rises at this point to desire that the gold refiners may be called to declare what they think of the scarcity of coin.

Directly he sits down, Sir W. Stroud rises to move that no person interested in these patents, be allowed to sit on the committee. After which it was resolved that all these motions, be referred to the Committee of Grievances. On the 19th the Committee of Grievances sits, and Monpesson's patents are at once struck out. This time it is a Mr. Noy, the member for Helston, who rises. Monopolies and power of dispensing with penal laws (by arbitrary proclamation of the King) are the chief grounds of all the grievances. Before any patent is passed, a petition is made to the King, showing what good will accrue to the commonwealth, by the same. What benefits will ensue, what abuses are likely to arise from it. His Majesty referreth the petition to those whom he thinks fittest to consider it, both in law and for convenience, and motives of policy. The referees thereupon certify as to its

advantage or disadvantage to the realm "therefore it is most fit the referees should be examined."

Now we have seen that Bacon, in his exceeding zeal to do dirty work, sought for this appointment of referee—not merely sought for it, but packed his brother commissioners. In his letter of November 13th, 1616, before he was created Lord Keeper, we find him writing to Villiers to appoint himself, Finch, and Montagu to the commission. So here is a blow again at Bacon. Mr. Noy proceeds to show the intolerable nature of many of these monopolies, and finishes by demanding that, as all these projectors clearly work against the King's command, it were good to send for them and examine them, and if they have done ill to punish them.

Then Sir Edward Coke rises. He deprecates the wrath of the house. So far from making a partisan speech, or one directed against the Monopolists, he to some extent justifies them. As usual, he is simply for the law, for the abstract truth. In his first speech in the session he has pursued his old and even course, which he has for so many years constantly maintained, of rigid and independent justice. Upholding in its integrity constitutional law. He says now, "There is Prerogative indisputable and Prerogative disputable." The power of the King to make war is his indisputable right, but his disputable prerogative is tied to the laws, and bound down by them. Yet these monopolies have good precedent, "fine examples." They are of three kinds. 1st, Against the law. 2nd, Good in law but bad in execution. 3rd, Neither good in law nor in execution. The patent for inns comes under the second head. Monopolies are now

grown like Hydras' heads—they grow up as fast as they are cut off. Yet all Kings, from Edward III. to this monarch, have granted monopolies: even in Queen Elizabeth's time there were some granted. But if the King has been wronged the referees are to blame.

Divers members on successive days speak more or less to the point. On the 2nd of March the Committee of Grievances is prepared to speak. They desire that a message should be sent to the lords, that they have discovered matters and offences tending to the wrong of his Majesty, in his justice, honour, and estate. To the disinheritance of his subjects, and the corruption of the commonwealth, and this by a man of quality; and therefore they pray a conference. In the Parliamentary History this is assumed to be Monpesson. Possibly it is, yet he is not a man of quality. He is only one of James's new knights. It is equally possible that this is Bacon. I offer no opinion either way. It is all but immaterial. Yet certainly Monpesson cannot be called a person of quality. A man held in general contempt. A mere trader. A member of parliament it is true, but not a person of quality. The allusion evidently refers either to one of the Villiers' family or Bacon. Before the 3rd, Mitchel has been apprehended and sent with ignominy to the Tower bare-headed and on foot. Monpesson has fled beyond seas, his neck being in danger.

Sir Giles's house is ordered to be searched, and all his papers concerning his patents and monopolies examined. On the 6th these are brought into the house. On the 7th Bacon writes to Buckingham: "I do hear from divers of judgment, that to-morrow's conference

is like to pass in a calm as to referees. Sir Lionel Cranfield doth now incline, not to have the referees meddled with, otherwise than to descant it from the King; and so not to look back, but to the future. And I do hear almost all men of judgment in the house wish now that way. I woo nobody. I do but listen, and I have doubt only of Sir Edward Coke, who I wish had some round *caveat* " (beware !) " given him from the King ; for your Lordship hath no great power over him, but I think a word from the King mates him."

Bacon then goes on to suggest that Buckingham shall speak to-morrow, and show thus more regard of the fraternity you have with great counsellors (meaning himself) than of the interests of your natural brother. A modest and a fair request. The same night he receives at midnight a messenger from the King. At seven the next morning, " to avoid note," Bacon goes to Whitehall to meet the Prince (Charles) who is at the head of the committee of forty peers of the lords appointed to confer. He agrees with the heir apparent to ask time, if the Lords call upon him. He then sees the Archbishop of Canterbury and not " letting him know any part of the house," suggests that he should go on with a motion " That the lords' house might not sit Wednesday and Friday because they were convocation days." Wily statesman! Admirable plan! As good luck would have it, the house read two bills only, and had no other motions on, whereupon the archbishop (poor catspaw !) made his motion, and " I adjourned the house till Saturday.* It was no sooner done but came the message from the lower house. But the

* The 10th.

consummatum est was passed, though I perceived a great willingness in many of the lords to have recalled it, if it might have been." Bacon immediately rushes home and at eleven o'clock writes to the King.

On Monday,* satisfaction was demanded of Bacon and Montagu because they had spoken at the conference of the two houses on Saturday in their own defence, not being allowed to do so. Lord Bacon acknowledged he had so spoken more than he had direction from the house to do, and had erred therein. Which acknowledgment the lords in general accepted.

Parliament is so much in earnest, the court so much in need of money, that, no matter who stands or falls, the King must give way. He sends word by Buckingham, he will hold himself neuter. Buckingham declares he will, not being himself touched, give up his two brothers to justice. He would not defend them, but leave them to the censure of parliament. He tells the house "That he who had begot these two, had also begot one, who would seek for their punishment." Buckingham is friendly with Bacon, remains so in all his troubles. But he cannot save him, he knows that. The King will do all that he can: and has written to Bacon to advise him. He has been privy to a secret interview at seven in the morning with his son and the Chancellor, and is so far conniving at his servant's acts. But even he cannot overcome the parliament. Bacon now begins to tremble.

This Committee of Grievances bent on discovering iniquities in letters patent, will discover his bribes. At a sitting of the committee there will come out, among

* The 12th.

other frauds exposed, the circumstance, that Bacon has taken a bribe of one hundred pounds from the Company of Apothecaries.

Bacon sees that the land on which he stood is washing away—that the unsubstantial favour of princes is nothing against the whole people in arms—that the rock he has builded on, is mere sand against the tide of men. Even now the ocean roars in his ears, the waves jump and lick their prey. He is desolate. Even there, where he should be strongest, he is disunited and broken. His wife is no comfort to him. He has no home. In deserting her, and his own hearth, for fame and profit, for aggrandisement and personal ambition, he has lost what should have been his only consolation and hope in life. His wife, however, has gone her ways as he has gone his.* They are at enmity. He is, indeed, a broken, miserable old man. The words of Shakspeare seem here all but prophetic; so fearful are they in their application. But they rise not to Bacon's lips, for, so far as we learn, the Chancellor had failed to discover the wisdom of the poor player. The greatest wisdom lies undiscovered. Shakspeare is plebeian, of no note in the world, therefore no prophet in his own country.

Lord St. Albans writes now, probably, a letter to the Duke of Buckingham, which is preserved, but is unluckily, dateless.

“ MY VERY GOOD LORD,—

“ Your lordship spoke of purgatory. I am now in it; but my mind is in a calm; for my future is not my felicity. I know I have clean hands, and a clean heart;

* Kennet's History : Wilson, vol. ii., p. 734.

and, I hope, a clean house for friends and servants. But Job himself, or whoever was the justest judge, by such hunting for matters against him as hath been used against me, may for a time seem foul, especially in a time when greatness is the mark, and accusation is the game. And if this be to be a Chancellor, I think if the great seal lay upon Hounslow Heath, nobody would take it up. But the King and your lordship will, I hope, put an end to these my straits, one way or other. And, in troth, that which I fear most is, lest continual attendance and business, together with these cares, and want of time to do my weak body right this spring by diet and physic, will cast me down; and that it will be thought 'feigning or fainting.' But I hope in God I shall hold out. God prosper you!"

Possibly his lordship goes home to write this very letter; but he will protest his innocence to the last. Not where it is useless, to Sir Humphrey May, but to Villiers, where it will avail. He will still hold to his clean hands and clean heart—still to the King swear his love and duty. But inasmuch as Bacon has always a cunning plea, when in danger—that he is going to die, has not long to live, which plea is scattered up and down his letters whenever there is an office to get, or a place to win, so now he fears his health will give way. Presently he will be very ill, conveniently so, when his delinquencies are discovered.

On the 19th of March, when all is discovered, he will use the very same words, "feigning or fainting," and declare that he is neither one nor the other. On the 18th of March, the third declaration of grievances concerning gold and silver thread is brought forward. Lord Bacon himself opens the matter. First, he has to deal with the patents; second, with the offenders; third, with the punishment of these offenders.

But the Chancellor is not driven to his corner yet. Lord Spencer moves that the abusers of the patents be taken into custody. Southampton follows with a motion that the grievances be divided into three heads, and three separate committees appointed, each committee to examine the execution of one patent, and that the witnesses might be sworn.

His lordship seizes on this, and tries a device, as some think in the commons, "to breed a jar" between them. Many members of the lower house are witnesses in the upper house. It is not usual to swear members in committee, and this conference is upon committee of both houses. If the lords declare for swearing the Commons, they will resist. Bacon therefore seconds the rash motion, with this addition, "that the oath is to be given publicly in the house; for that it could not be administered in a committee." As he expects, the device succeeds. The next day is consumed in an empty discussion as to the way of taking the oath, and precedents are searched, and law quoted, to prove the matter, just as we see the trail diverted, and the old dogs led off the scent, in the Commons of to-day. The Commons are, however, so much in earnest that though the proceeding is unusual, and against law, and against reason, as Coke shows, some of their members will consent to be sworn, so that the business do not stop. This ruse failing, his lordship, the Chancellor, falls, just as he feared he would, and as he predicted, suddenly ill. Nay, as he is in great straits, and Monpesson has fled, and Mitchel is in the Tower, and bribery is even a worse offence than these, he will be suddenly at the point of death, not merely indisposed,

but like to die. Here is his letter of the 19th to the Lords:—

“ I humbly pray your Lordships all to make a favourable and true construction of my absence. It is no ‘ feigning or fainting,’ but sickness both of my heart and of my back, though joined with that comfort of mind that persuadeth me that I am not far from heaven, whereof I feel the first fruits.”

What a noble possession is a good conscience ! How trebly armed is he, who is encased in that armour of proof ! who feels that he is fit for heaven ! How resigned and Christian will be his lordship’s ending ! The balmy airs from another sphere float down upon him ; he feels already the first fruits of another state. But although he is going to die ;—he will lose no legal advantage.

“ Whether I live or die, I would be glad to preserve my honour and fame, so far as I am worthy, hearing that some complaints of base bribery are coming before your Lordships.” He requests that they will not be prejudiced against him unheard ; that because “ I have sequestered my mind at this time in great part from worldly matters, thinking of my account and answers in a higher court, your Lordships will give me convenient time, according to the course of other courts, to advise with my counsel ;” and “ that I may be allowed to examine on oath the witnesses, and cross-examine them ;” and if petitions increase, their Lordships are not to be deterred by any number or muster of them against a judge that makes two thousand orders and decrees in a year, especially as they have been hunted out against him.

On the fifteenth, on the very day that Bacon tried the

ruse of the oath in the upper house, Sir Robert Phillips made a report from his committee, which had been appointed to examine into the courts of justice, to the lower house. "He then proceeded to accuse the Lord Chancellor of corruption, and opened the nature of the evidence to prove; but as this will appear much clearer in the trial of the Lord Chancellor before the Lords, we shall postpone it till then." * He spoke of him "as a man excellently well endowed with all parts of nature and art; of whom he could not speak much, because he could not speak enough. On the 18th, the Commons ask a conference on this matter specially with the upper house. On the 19th, the King proposes to adjourn the house till the 10th of April, no doubt at Bacon's instance, though of this no proof on either side exists. It had been usual to adjourn about this time; but an adjournment in the midst of so much pressing business for so long a time was not quite usual. But on this 19th, the King shows his inability to defend his Chancellor, not from lack of will, but lack of strength. By his Secretary of State he declares "that he was very sorry a person so much advanced by him, and sitting in so high a place, should be suspected. That he cannot answer for all others under him, though his care in the choice of judges had been great" (as we have seen), "but if this accusation should be proved, his Majesty would punish him to the full." He will grant a commission under the great seal to examine all upon oath that can speak in this business; the commissioners to be six of the Lords, and twelve of the Commons.

The house does not adjourn, but prefers sitting on.

* 'Parliamentary History,' 1209.

Witnesses might be removed or tampered with, members threatened or imprisoned; so it proceeds. The next day, March 20th, all is exposed.

As we, who have been behind the scenes, have known all through, Bacon is an unjust judge. He has defrauded the widow and the orphan. He has polluted the sacred altar of justice. He has not merely pandered to a favourite of the King in his decisions, but he has taken a bribe from the very persons whom, at that favourite's instance, he has favoured. The cases that rise are innumerable. Petitions pour in from all parts of the country. From amid the "muster," to use his own word, twenty-three are selected to proceed on. These will be sufficient; more would encumber affairs.

As long back as 1619, John Wraynham was punished for impugning the Chancellor's honesty, and condemned to imprisonment for life, a fine of one thousand pounds, standing in the pillory, and loss of his ears. Bacon had given a decision directly opposite to Egerton's in the same matter. To-day we cannot decide whether honestly or not. In the absence of proof of bribery, Wraynham's was an illegal offence. On this ground Coke voted in the council for his punishment. The severity of its penalty was happily remitted, at Bacon's instance. In May of the preceding year, we find Lady Blount accusing the Chancellor. For this she suffered several months' imprisonment. Lord Clifton and Lord Ormond, we have already seen, have been guilty of similar offences.

In February, 1621, the Grocers' and Apothecaries' Company petition. Egerton had during his life refused to seal their patent, as it contained several illegal clauses. It

raises the price of drugs. The petitioners declare it obtained by indirect means, and supply a detail of the reasons why it ought not to have been conferred. This, as we have seen, is the petition referred to by Bacon in his letter to May. As far back as April, two years ago, Chamberlain, writing to Dudley Carleton the news of the court, says the Lord Chancellor's slackness causes a rumour that he is to have a Lord Keeper for his coadjutor.* In June of the same year, when Lady Blount attacks the same august power, she is told "it was just, but full of danger."† In the year 1621, pending the inquiry against Bacon, here is some of the news of the time by a contemporary: "There are a thousand petitioners daily attending about the parliament house, but cannot be heard till the matter of monopolies be ended. My Lord Chancellor hath many bills put up against him, and he is said to have made a very peremptory speech to the committee, wherein was this passage, 'that he wondered how the lower house would or dared go about to question his person or honour.'" Chamberlain writing to Carleton again, March 24th, says that the petitions against Bacon are too numerous to be got through. His chief friends and brokers of bargains, Sir George Hastings, Sir Strickland Young, and others attacked are obliged to accuse him in their own defence, though very reluctantly.‡ On the 31st, the same correspondent adds; "The news of my Lord Chancellor continues much after (of the same kind) that I wrote before. . . . But it is added that Black, with Field, Bishop of Llandaff, is in likewise, for being my

* Chamberlain to Carleton, April 24, 1619, in *State Paper Office*.

† *Ibid.*, Letter of June 12, 1619.

‡ *Ibid.*

Lord Chancellor's broker for bribes, and a letter of his shows where he undertakes to my lord *verbo sacerdotia*." *

These rascalities of Verulam are only part of the general system. The State Paper Office is full of grants to various people, minions of the court, to enrich the Villiers'. But the people is rising, angrily and in wrath, and will overthrow them all. This is but the beginning. Bacon, Bennet, Yelverton, Montagu, are now aimed at. Lionel Cranfield will go. Then Buckingham will be impeached. Fortunately an assassin's knife will save him a disastrous trial.

This is the effect of a parliament. Bacon feared and foresaw it nearly all. In his speech in the Chancery last October he tried to accommodate the public mind to a subsidy, without a parliament, in hope that the evil might have been staved off. If the King had taken his advice, it might have been done without. Once he was for parliaments, but then he wanted place, and was a great orator in the lower house. Now he is a Peer, and is likely to be attainted for bribery. He would have preferred no parliament.

Bacon still shams illness. Yelverton, on the 18th of April, is called before the house, and charged with committing men falsely to prison; with issuing warrants, unsigned, to be used against persons, called "warrants dormant," by which any person could be committed to prison without an offence committed. That he had advised the gold-thread patent. That he had issued more than three thousand "Quo Warrantos" to the patent of

* Mead to Stukeville. See also letter of March 24 for some of the scandal of the court.

inns, and not ten came to trial. That he commences suits in the Exchequer which he has never prosecuted.

Poor Sir Henry is in a bad plight. Villiers has long wanted him out of the way, to sell the place to another. Bacon, to serve his patron of lives complained of, once persuaded the King that Yelverton had passed four patents which were very inconvenient. So that the King wished himself to get rid of him. No chance occurred till the case Bacon discovered of the charter of the City of London. For that, to Villiers' satisfaction, he was deprived of his place and imprisoned. But no sooner out of this trouble, he is charged again with other criminal acts, this time not against the King, but the people. He pleads naturally "that he was the weakest" among those who advised the Monpesson contract; but it is of no avail.

Sir John Bennet, judge of the Prerogative Court of Canterbury, has been dismissed the Commons, and is now, like Bacon, charged with bribery. Yelverton makes a pitiful and moving appeal, showing that it was his opposition to Buckingham in the matter of patents that was the cause of his first imprisonment, and loss of office, and fine, and that now he is brought to answer for the very act he so strenuously opposed.

Sir Humphrey May, Chancellor of the Duchy, is on that committee. After his fall, Francis Verulam writes to him on the subject. Here is his letter:—

"GOOD MR. CHANCELLOR,—

"There will come upon Friday before you, a patent of his Majesty's for the separation of the Company of Apothecaries from the Company of Grocers. It is, as I conceive, a fair business both for law and convenience,

and a work which the King made his own, and did, and as I hear doth take, much to heart. It is *in favorem vitæ* where the other part is *in favorem lucri*. You may perhaps think me partial to apothecaries that have been ever puddling in physic all my life."

This is very grim pleasantry of Francis Verulam. One sees well enough the aching heart, for never was there a more transparent attempt, to seem merry or force a smile. He wishes to make it appear a trifle. There is the old stroke of duplicity however. The King "*doth, as I hear, take this fair business much to heart.*" He is wincing—but proceeds:—

"There is a circumstance that touches upon me, but *post diem*, for it is comprehended in the charge and sentence passed upon me. It is true that after I had put the seal to the patent, the apothecaries presented me with a hundred pounds. It was no judicial affair. But howsoever, as it may not be defended, so I were glad it were not raked up more than needs. I doubt only the chair (Coke), because I hear he useth names sharply; and besides, it may be he hath a tooth at me yet, which is not fallen out with age. But the best is, as one saith, *Satis est lapsos non erigere; urgere vero jacentes, aut præcipitantes impellere, certe est inhumanum.* Mr. Chancellor, if you will be nobly pleased to grace me upon this occasion, by showing tenderness of my name and commiseration of my fortune, there is no man in that assembly from whose mouth I had rather it should come. I hope it will be no dishonour to you. It will oblige me much, and be a uniting point of our last reintegrade of friendship. I rest

"Your faithful Friend to do your service."

Twenty-three cases are proved against Bacon. Throughout the proceedings, so guilty does he know himself, that he declines to appear. On the 30th of April he sends,

however, an acknowledgment of his offences to the lords, praying for mercy.

“Upon advised consideration of the charge, descending into my own conscience, and calling my memory to account as far as I am able, I do plainly and ingenuously confess that I am guilty of corruption, and do renounce all defence, and put myself on the grace and mercy of your Lordships.”*

He then proceeds to deal *seriatim* with every one of the twenty-three cases, and pleads guilty to all. “For extenuation,” he concludes, “I will use none concerning the matters themselves; only it may please your lordships, out of your nobleness, to cast your eyes of compassion upon my person and estate.” He then proceeds to excuse himself that there be no cases, more than two years old. An evasion, as the Egerton case is of much longer standing, and to pray leniency and mercy as he is very poor. On its being read before the lords, they appoint a committee of twelve of their number to go to the Chancellor and demand if his hand is the hand which signed it, and if he is prepared to stand by his signature. His answer to the committee was, “My lords, it is my act, my hand, and my heart: I beseech your lordships to be merciful to a broken reed.”† Which report being made, it was agreed by the house to move his Majesty to sequester the seals, and to entreat his Highness the prince that he would be pleased to do this.

It must not, however, be supposed that Bacon’s confession was obtained from him without effort, or spontaneously. Such proceeding would not have been con-

* ‘Parliamentary History,’ 1244. † Ibid. 1247.

sistent with his nature. To temporise and scheme, to jump from point to point, till finally brought down by the hunter, is his system of action. On the 24th of the same month he had sent an admission of his guilt, so craftily framed, and so obscured by metaphor and historic illustration, that it was hardly clear from it whether Bacon was an injuring or an injured person—a martyr or a saint. It suggested that the seal should be taken from him and given to the King. “Your lordships will be pleased to behold your chief pattern the King, our sovereign, a King of incomparable clemency, and whose heart is inscrutable for wisdom and goodness; and your lordships will remember there sat not these hundred years before (since Henry VII.) a Prince in your house; and never such a prince, whose presence deserveth to be made memorable by records and acts mixed of mercy and justice. Yourselves are either nobles, and compassion ever beateth in the veins of noble blood, or reverend prelates, who are the servants of Him that would not ‘break the bruised reed nor quench the smoking flax.’” He suggests that his questioning will have the same effect as his punishment, for the questioning of men in eminent places hath the same severe terror, though not the same rigour, with the punishment. “*Neque minus firmata est disciplina militaris periculo Quinti Maximi, quam miserrabili supplicio Titi Manlii.*”

But neither his art nor his artifice availed. Now the Lords and Commons are at last, a little too far advanced to be treated with words and promises. Flattery will do much, but though it will dull the edge of punishment, it

will not destroy the verdict. The unbounded adulation of the King, that he exceeds in wisdom even Elizabeth, is a masterly cover to his retreat, and, as we shall see, will be efficacious beyond measure. But even flattery of the poor pedant cannot work miracles.

With the country madly excited from end to end, it will hardly suffice to let so capital an offender escape. It was therefore resolved, "That the Lord Chancellor's submission was not satisfactory, for that his confession therein was not fully nor particularly set down, but did in some sort extenuate it, and seemed to prescribe the sentence to be given against him by the House."

Driven from point to point—So conscience-stricken that he dare not face the house—So overwhelmed by his own guiltiness that he cannot answer but by confession—So conscious that these cases proved are but an infinitesimal part of the grand sum total of corruption, to be charged against him; Bacon will no longer fight.

If a point was to be gained by craft, by audacity, by dissimulation or violence, by threat or by adulation, he would have maintained it. But the fortress of his high honour and dignity, on which he had so long stood, was no longer tenable. A very full and a very entire confession, so as to secure the favour of the court, is the only step left. When everything is absolutely proved, then the plea of guilty, and the full confession, are graceful acts. He will make them. It will save further search, further proof. So he acknowledges, as we have shown, explicitly, but with palliation and subterfuge where they are possible, the twenty-three cases brought against him.

They are as follows :—

	£.
That in the cause of Sir Rowland, against Sir Edward Egerton, his lordship received from Sir Rowland before he decreed for him	300
Hodie and Hodie, jewelled buttons, valued	50
Lady Wharton	310
For Monk, Jevon, and Young's cases, each £100	300
Fisher	106
Kenday and Valore. Bribes of both sides. Kenday	800
Valore, as a loan	2000
Scot and Lenthall, both sides.—Of Scot	200
Lenthall	100
For Booth, Peacock, and Dukes' cases	400
Of Sir Ralph Hunsbye	500
Of Lord Montaine, with promises of more at end of case	£600 or 700
Reynell and Peacock—both sides—Reynell	£700 or 800
Peacock	100
Of Barber	700
Of the Grocers and Apothecaries—both sides—Grocers	200
Apothecaries, besides a rich present of ambergris	150
Of the French merchants, to constrain the Vintners of London to take 1500 tuns of wine; to accomplish which he used very indirect means, by colour of his office and authority, without bill or other suit depending, as threatening and imprisoning the Vintners, for which he received of the merchants	1000

Lastly. That he had given way to great exactions by his servants in respect of private seals and sealing injunctions.

To all these charges he confessed separately and distinctly. They amount, as will be seen, to a very large sum in those days, equivalent, accepting the relative value of money in that day and in our own, to nearly one hundred thousand pounds.

In certain cases, it will be seen, he took bribes of both sides, which, when they were equal, might have tended to

equalize the decision. But it can hardly be doubted that so long as one suitor was wealthier, his case would fare the best. In Valore's case he borrowed two thousand pounds: this was the same Valore to whom he has declared he owed 20,000*l.*, which he wished the King to forgive. He now refers to that letter, and alleges it was but two thousand that he owed, and that he considered himself indebted in that sum, as the two loans now charged as bribes.

The evidence of the various bribes in their nakedness, even measured by his extenuation, looks hideous enough. Thus we find in Lady Wharton's cause, he first took a purse of money, but that her suit still languished, but receiving 200*l.* more, "her decree had life." But this was not sufficient. Shute, one of Bacon's servants in the courts, suggests that she shall make over the estate in suit, to Lord Bacon, preserving a life interest to herself, to the disinherittance of her children. This monstrous proposal she refuses; and, by consequence, not only loses her suit, but her 300*l.*, which is the cause of her present petition. But then, not without further aggravation. For obtaining two hundred pounds more, Bacon decreed for her. Afterwards damning his own decree, by which another two hundred pounds, the expense and misery of a second suit were added to her first loss.

It may be well to endeavour to laud and honour Bacon's private character. It is very cheap praise. It is very easy to honour one who has been no cause of suffering to ourselves. It merely requires a lack of perception of virtue, of respect for integrity, of a sense of the distinction between right and wrong. But can it be believed that

the unhappy and wretched suitors, tortured and ruined by Bacon's prodigality, that he may send his servants to court with gold buttons,* and clad like ambassadors, would have accorded to him this praise? Is there to be no distinction henceforth between vice and virtue? Is justice not a sacred inheritance, as sacred, as inestimable as liberty itself? Is the lamp of truth placed on high, for man's maintenance and protection, no longer the object of his sacred care? Finally, are we at liberty to falsify facts, or confound truth, to serve an ignoble theory or a base motive?

Shall any tenth-rate literary charlatan, to make a reputation for being marvellously astute, for being wiser than great historians, so corrupt history, so falsify the chronicles, so pervert evidence, that we shall cease to execrate what is infamous, or revere what is sincerely worthy of honour? May the just heavens forbid! Shall he be at liberty to play tricks, alter dates, pervert the facts, bring false charges against individuals, coin occurrences, that he may sell books?

The unhappy suitors, whom this voluptuous Sybarite destroyed and made wretched, are not with us. But if we have no reverence for truth or justice abstractedly, we surely have pity and regard for the victims of his oppression, for the miserable wretches ruined by his prodigality. Slaughtered in estate that he might squander. Made forlorn that he might outshine his neighbours in the grandeur of his processions, in his almost regal state, his equipages, and his retinue of servants? The Cry of the orphan, destitute, penniless, flung upon the streets—Of the

* Letter, March 24, 1621, State Paper Office.

widow, flung from affluence into penury—Of the strong man bowed down and heartbroken—Of the mother deprived of her children's all,—shall they not go up as a prayer to heaven, to invoke fire down, to consume the wretched idolater of a base creed? To punish the infamous polluter of a sacred religion and a holy altar?

Bacon falls. His vile associate in sin, the Bishop of Llandaff, being a bishop, is, for the honour of his cloth, not punished, merely admonished in convocation. The House of Commons has no power to deal with him, he being an ecclesiastic, and the Church is merciful to its erring son, not in pity, but to avoid scandal. He, in the cause of Egerton, had, in addition to the money received by Bacon, demanded a bribe of 6000 marks (to be guaranteed by a bond for 10,000 marks). Egerton could not raise so vast a sum, therefore Llandaff proposed that the decree should be made in Egerton's favour, and then raised out of the land so obtained, promising *in verbo sacerdotis*, on the faith of a priest, on the word of a bishop, that he would cancel the bond for 10,000 marks if the decree were not made in his favour. To justify the decree, and shift the responsibility from Bacon's shoulders, it was further agreed that a petition should be made to Buckingham and to the King to interfere in favour of the bribers. But, unfortunately, Villiers and the King, unwilling to be the catspaws, both refuse on this occasion. The decree therefore is against the Egertons. But the bishop refuses to deliver up the bond for 10,000 marks—hence their petition.

An attempt has been made to juggle the public into the belief that a man of infamous character, Churchill,

was the chief, if not the only witness in these cases. The witnesses are brought in by dozens. Churchill is one of a hundred. He is important and useful, for he was once a servant under Bacon, and can therefore speak as to specific acts in corroboration. It is easy to show bribery, but it is very difficult indeed to show Bacon's complicity, to bring every present precisely home. It is not at all difficult to show the wretched extortions practised, but it is a matter of much more intricacy to trace every gift to a dependent home to the Chancellor. To get behind the scenes and fathom the mystery of where the money goes to. Churchill, as one of Bacon's servants, can help in this, but he is only one of the aids. For the state of his character justice cannot be too nice in that particular. If the dishonest did not disagree, or if all testimony from persons of dubious virtue were refused, difficulty would exist in securing punishment at all. His character, however, is not impeachable on the historic evidence presented, as that is an *ex-parte* accusation. But it is hardly probable that a very virtuous man would undertake his task.

As an answer to the proposition that the whole of this trial was a move of Villiers and Coke to expel Bacon little need be urged. It is as competent to show that Redpath and Robson were the victims of a political faction; that Lord Palmerston, being in league with Redpath, was by Lord John Russell overthrown through Robson. To heighten the narrative, Mr. Palmer, Mr. Cook, and Sir Fitzroy Kelly all assisting in the plot, would make the history more interesting and equally intelligible. A history of our own time, after showing us that Mr. Edwin

James took Capri, having visited Italy somewhere about that time, and that Lord Elgin, from entering China somewhere in the same century, conquered at Chilian-wallah, would be equally instructive—and probable.

The facts were, Bacon was in friendly and amicable correspondence with Villiers after the inquiry into the abuses of the law courts commenced, and remained throughout in correspondence with the King. The favourite, who knew him, found that he had actually been taking bribes of the suitors he had recommended. That he had played him false again. He did not withdraw his countenance altogether. This he feared to do, for the Lord Verulam had a pen and wrote history; but he would not, he dared not, assist him openly. Even he had trembled for his place. He had handed over, or professed to hand over, his brothers to justice. They had fled. Sir John Bennet, Yelverton, Mitchel, Monpesson, were all punished. He was not powerful enough to save Bacon, nor, indeed, why should he? He did not move in any way against him.

Bacon, throughout, acknowledged the justice of his sentence. Thrice repeated his confession. Never charged any one with plotting against him—that plea was reserved for the nineteenth century.

If Bacon could have used such a defence, would he not have employed it?

The Chairman of the Committee of Grievances plotting with Villiers to overthrow Bacon, for the vile purpose of bringing in Williams as Lord Chancellor, another ingenious surmise, is equal to the proposition that Lord Palmerston plotted with Palmer to bring in the Bishop of

Jerusalem as member for Middlesex—as historically probable.

A letter exists of March 21st, in which the guilty Chancellor prays to Villiers to check Coke in the prosecution; proving that Bacon and Villiers are still in friendly intercourse, and which proves, moreover, his entire confidence in the favourite. It contains this passage: "I find that building upon your Lordship's favourable nature and friendship, I have built upon the rocks, where neither wind nor waves can cause overthrow." But what can a poor creature of the King do, against a great and justly enraged people? Even Villiers himself will fall.

But presuming Coke leagued with Villiers, would their league coerce the whole opinion and judgment of both houses? would it falsify the verdict? would it compel Bacon's confession? would it suborn hundreds of witnesses, and procure thousands of petitions, and that without movement on the part of the principals? nay, not merely without movement, but with actual discountenance, for Coke, acting as chairman of the committee, actually rejects evidence bearing against his enemy. So much greater is his love of justice than his animosity, and Villiers, unfriendly to Coke, is throughout acknowledged by Bacon as one of his greatest friends.

To make such a position tenable, we must suppose the House of Commons entirely out of existence. To the very end of Villiers' life there is nothing to impeach the even tenour of his friendship for his servant. After the Chancellor's ruin, he is the object of many letters, of nearly all the petitions and communications addressed for money, or pardon, or place, to the King.

But the temerity which can dare to dispute a crime confessed, with every circumstance of aggravation, fully and explicitly, to avoid further exposure, and which is punished by sentence of two houses of parliament, will dare much. Bacon was fined 40,000*l.*, but through the King's friendship, the fine was remitted—was committed to the Tower during the King's pleasure, but was released the following day; the rest of his sentence, that he shall by this sentence be rendered incapable of public employment, nor sit in parliament, is the only part enforced. His confreres in iniquity, Monpesson, and Mitchel, and Sir John Bennet are dealt with more hardly, but he for the rest of his life is free to go where and whither he pleases, only prevented from further injury to the state and violation of her laws.

CHAPTER XXII.

WE have traced now through many chapters the career of this wonderful man, with as little severity as is possible, to a sincere detestation of crime and cunning ; of mingled baseness and perfidy ; of tyranny and servility ; cowardice and cruelty ; protestation of virtue and active malignity ; of deadly hypocrisy and fawning flattery. The world resents extremes. The picture I have drawn, altogether beyond my own control, out of indisputable materials, can hardly find favour. For a large portion of the world believes implicitly that truth lies between extremes, and so judiciously decides on all points submitted to their judgment, by generally convenient maxims ;—That middle courses are safest, and that moderate counsels are wisest. Yet in spite of such axiomatic wisdom, it is clear that there are occasionally criminals who are amenable to no such rules. Who astound the world by their sins. Who distance all comprehension and even belief. Who, for the most paltry and inadequate motives, or for advantages so small as to be incomprehensible or ridiculous in extenuation, commit the most detestable crimes.

Bacon was no such man. He had “ vast contemplative

ends" and manifest advantage always before him. His motive was self, his end was ambition. Whether he had any real settled or religious belief, it is not my wish to inquire. He professed piety, but this may have been like some other of his protestations, part of his art. He professed to reverence and worship the King, while all men endowed with honesty and true feeling turned from the slobbering, pitiful pedant, if not with ill-concealed disgust and aversion, with silence and contempt. He was ready to beslave majesty infinitely. In the same way he may have professed piety.

If he is to be judged by fruits, no single act of his life betokens sincere belief. None of his writings prove a deep or inherent reverence for the truths of the New Testament as truths, or disclose a perception of their intrinsic and marvellous significance.

He was as godless and astute as Richard the Third; as much a relver on his own intellect, as much unprincipled, as little swayed or swerved, by tender ties of duty or affection, love or remorse, pity or love, charity or faith, truth or justice. So he fell—his very plans overthrowing him, his vices his own scourge. Had he allowed Coke to pass into the upper house, had he been content to sit in the lower, he might still have avoided retribution and prolonged it, till death would save him. But it were idle to speculate on this. His crimes and his fate are alike upon him, and it remains for the honest but to know, "to ponder and to learn," from his crimes and fate, how the most splendid attributes, the noblest intellectual gifts, are not incompatible with the basest nature, and the most degrading profligacy. The moral is neither original nor

new. It has been verified by a thousand examples, and only comes to swell the roll more pointedly and significantly, and perhaps even more unquestionably than before.

On the second day of May the House of Lords—the King having previously sequestered the seals—appointed the following day for sentence. The Chancellor was summoned to appear before them. He pleaded that he was still sick, protesting that he feigned it not for an excuse. The same evening of the 3rd, Bacon writes, being in nowise too ill for that, to the King “to save him from them; to let the cup pass from him;” and moreover prays that the seals only be taken from him, and the rest of his sentence commuted.

This could not be done without fear of arousing the already enraged and outraged people. The sentence was, however, deprived of its chief severity. On May 31st, still protesting that he was never author of “any immoderate counsel to the King” (not even in Peacham and Peacock’s cases?), that he was a “trusty, honest, and Christ-loving friend” to the King; “and howsoever I acknowledge the sentence just, and for reformation sake fit,” declares himself “the justest Chancellor that hath been in the five changes since Sir Nicholas Bacon’s times.” An undeniable slander on Egerton and his predecessors.

That Bacon’s offence is not to be judged by the high standard of judicial purity in modern times is true. He in some sort conformed to the usage of the day; but he was undeniably the greatest offender. He was not so venal or vile, perhaps, as Buckingham, but then it was his duty to be purer. It was his office to be just. Sir John

Bennet was but his follower. No charge has ever been brought or could be brought and maintained against Coke. Had Bacon been but as honest, despite the wretchedness of the monarch, the tide of profligacy might have been stemmed; but in lending himself to Buckingham's courses, he of necessity, that should by age, by experience, by his high office, have hindered him, became a worse offender.

Buckingham was a mere boy when Bacon lent himself to him as his tool. But while there is proof of his complicity in the matter of patents, there is none in the matter of bribes. There are strong reasons to suppose, however, that he was amenable to such a charge. But public opinion attaches greater criminality to a judge's than a favourite's venality—not improperly. The one is sworn to execute justice, to maintain truth. Bacon hints at the minion's participation: "they were not the greatest offenders upon whom the wall fell;" which may mean that Bacon had divided his spoil with Buckingham and the King, or that Bacon himself did not regard bribery as so great a crime as the Monpesson patents, which, considering their iniquity, is likely enough.

On the 1st of June, or probably on the day of his imprisonment, as Camden says, Bacon was liberated. The punishment proving that the same abhorrence did not attach to the offence the infamy which it would to-day—and went to the house of Sir John Vaughan, from which he wrote the same evening to the Prince of Wales, desiring him to thank Sir John, the prince's servant—"the sweet air and loving usage of whose house hath already much revived my languishing spirits." On the 4th he is again soliciting

for place to the King: "Your Majesty, that did shed tears in the beginning of my trouble, will, I hope, then shed the dew of your grace and goodness upon me in the end. Let me live to serve you, else life is but the shadow of death;"—and at the same time to Buckingham, "that adversity hath neither spent nor pent my spirits." This is what Milton has termed the unconquerable spirit. He saw ignominy in the exposure, but he sees none in the act. He is as strong again as ever, neither deterred by the shame nor the iniquity of the offence.

In July he perceives by his "noble and constant friend" the Marquis, that your Majesty hath a gracious inclination toward me; and instances that Demosthenes was banished for bribery of the highest nature, yet recalled with honour; that Marcus Livius was condemned for exactions, yet afterwards made consul and censor; Seneca, banished for divers corruptions, yet restored; and many more.

If Bacon's genius is subject to degradation, it will yet make infamy honourable, glorify shame, and he will still strew flowers of rhetoric over the tomb in which his virtue lies buried.

Buckingham answers him: "The hearty affection I have borne to your person and service hath made me ambitious to be a messenger of good news to you, and an eschewer of ill;" and sending him three years' advance of his pension from the crown—in all 3600*l.*; but whether in addition the three years' advance of his grant from the Alienation Office does not appear. He moreover promises from the King some better testimony of his favour in future, worthier both of him and you.

In September James remitted his fine, "the public feel-

ing having a little blown over." To prevent the creditors from receiving any benefit it was, at Bacon's desire, assigned to four trustees, two of whom were judges, to be held for Bacon's benefit. But that the king did really grant such remission is not clear. The words of the pardon dated October 17, exclude the fine for his recent offences. But even in this Bacon's supereminent craft is shown. Williams, Lord Keeper, writes to complain (Oct. 27), "that his lordship (Bacon) was too cunning for me. He passed his fine (whereby he hath deceived his creditors) ten days before he presented his pardon to the seal. So as now in his pardon I find his parliament fine excepted, which he hath before the sealing of the same obtained and procured: and whether the house of parliament will not hold themselves mocked and derided with such an exception, I leave to your Majesty's wisdom." Whether this was in accordance with the King's desire is not clear; it is most probable that it was, and that James, intending to make as vast a reparation as he could or dare, arranged that the pardon and the relief of the fine should be passed together.

At the King's wish he leaves the neighbourhood of London, and retires to Gorhambury. Arrived at his ancestral home, he is so little disturbed by his fate, so blest is he in a good conscience and an untroubled mind, that he commences a work which is to bring him into fame, which he has often proposed to the King, which his Majesty much desires—a history of Henry the Seventh,*

* "I have therefore chosen to write the life of King Henry the Seventh, who was in a sort your forerunner, and whose spirit, as well as his blood, is doubled upon your majesty."—October 8, 1621.

the ancestor from whom James derives his title, and to whom Bacon indirectly alludes, when he declares his Majesty the wisest monarch that has reigned for a hundred years, viz., since Henry the Seventh's death. In 1622 this was published, and from this time till his death in 1625, he devoted himself to the production of the 'De Augmentis' in Latin, as more likely to be permanent than his own tongue, with the assistance of Mr. Herbert, who translated it for him, and his History of Life and Death, 'Historia Vitæ et Mortis.' The 'De Augmentis' was so enlarged that it might go for a new work. "It is a book, I think, that will be enlarged, and be a citizen of the world, as English books are not." Even here, however, his old craft is seen. He expunges the praise of Elizabeth, which was contained in his first edition, written while she lived, as not likely to be pleasant to the King, and because gratitude had no place in Bacon's vocabulary.

We have traced this man through all his changing fortune from his birth to his fall, and as there is neither moral to point, nor tale to adorn by his life in exile from the court, we will here end it.

Whatever may have been Bacon's crimes—and I myself have in vain searched all history for his parallel in infamy—there can be no delight in tracing his career in misery. Not that it may be supposed, either his sufferings or his remorse were heavy upon him. But that his punishment was sufficiently consummated in the very act of his fall. His income was about 2,500*l.*, sufficient for a private man. In his private life we can unfortunately feel little

interest, being but imperfectly informed on it. His two or three servants, Meautys, Bushell, and Rawley, speak highly of his generosity. He seems ever to have been a kind and an indulgent master; but neither Rawley, Meautys, nor Bushell give us any authentic glimpses of his home.

Rawley declares that he was happy with his wife. But this appears to have been false, both by the nature of the will, in which she is with circumstance ignominiously and pointedly excluded; and by repute, as shown by Wilson in his history. He never ceased to beg money of the King. To importune him for office. To send him flattering and fawning letters. To liken him to God in wisdom and power. Similarly he begged till the death of Buckingham. Consummating his last act of will and testament, by endowing a college, and leaving vast sums for noble purposes out of a bankrupt estate. But with all these hindrances either to our love or our respect, we have only to judge "Manlius in sight of the Capitol;" only to read his works; only to consider his wisdom and learning, to feel sadness that one so great and so gifted should have been so mean, or should have been compelled to what doubtless he felt so hard a lot, retirement; recollecting that, of no man of ancient or modern times, does so much damnatory evidence, perchance exist. That he has been peculiarly unfortunate in this circumstance. That almost every spring of villany that he ever touched now rises in judgment against him. That the life his correspondence affords is literal, and cannot be flattering; is severe, and cannot be softened. This may be illustrated. No man

is satisfied with a mere photograph of himself—what is called an untouched picture. His friends see its truth. He cannot; there is something wanting. Yet is it no less exact if inevitably severe.

Contrast the ideal and painted semblances of men with these products of nature—these inexorable facts. How poor does the reality seem! This is an image in point. The facts of Bacon's life live. In their nakedness they supply a harsh and severe picture. They are true. Not the whole truth; but still much better than a merely imaginary product.

Having alluded to an alleged conspiracy to overthrow Bacon, it remains only to notice one of its asserted conditions—that it was a fraud, to overthrow St. Albans and place Williams. This may be declared a happy invention, founded in part on a scandalous hypothesis. The seal was vacant from April to July. Bacon's system had deprived the crown of good lawyers, of able judges. Bacon wanted tools, not justices, and when he lost the seals, there was no sufficient or fit man to take the place; neither Yelverton, nor Hobart, nor Coventry, nor Montagu were adequate. There was at the time, however, a very able churchman, admitted to be a man of capable business faculty, of undoubted application, of unwearying assiduity, fully adapted for the post. James leaned to the civil law, he preferred the church to the law, because the ecclesiastics and priests had always been foremost in their race of servility. They had at all times been ready to declare him God's vicegerent on earth. They paid him honours as a divinity. Dr. Cowel had exalted his prerogative beyond all stretch, and out-Heroded Herod, in his notions

of royal power and dignity. Therefore a churchman was in unison with the King's views; but the matter remained for a long time undecided. It is, however, manifestly certain that if Williams had been the destined heir, he would have been placed at once, and a post so important would not have been held open so long.

It would appear singular that the strife to introduce an antique standard in law existed, as in the arts and in architecture; yet so it was. Attempts had been made to assimilate English to Roman law from the time of the Conquest. Some of our early lawyers, the great Chief Justice Fortescue among the number, were violently opposed to such a course. Bacon inclined, however, to this feeling. Some quotations from his advice in the choice of privy councillors might have been adduced in proof.

Williams was, if Hacket is reliable, a noble man in private life. "He was far more ready to give than take, to oblige than be beholding. *Magis illud laborare ut illi quamplurimi debeant*, as Sallust remarked of Jugurtha," is his Biographer's testimony. The King had always been inclined to the canon law. He preferred a churchman. Williams was indefatigable, pliant, and zealous. Villiers was under personal obligations to him in the matter of his courtship and marriage. And as to the base slanders insinuated, it is only fit to say that they are but slanders, to which facts at once give the lie. Williams attacked the Countess for changing her religion in the December of the year following; and she had then been in the hands of Fisher the Jesuit for many months. His dismissal arose from his superior virtue. He was not as

BACON'S FAILURE AND SUCCESS, SIMILAR IN SOURCE. 507

compliant as Bacon. He was very servile ; but not servile enough. At the end of Trinity Term, viz., in May, 1624, he refused to seal a patent from Charles to Lord Conway. This roused that susceptible monarch's ire. At the beginning of next term he was apprised that the King would have him dismissed. On the 25th of October he delivered up the seals.

No man, equal in meanness to the great philosopher, could be found to succeed him. His post, therefore, frequently changed hands after his fall. Living in an evil age, he was equal to its worst requirements. He flourished for a long time, but retribution long delayed came full surely. Had he considered that

"Heaven doth with us, as we with torches do,
Not light them for ourselves,"

much of his career, and its attendant humiliations, might have been averted—some of his fame, but all his dishonour. He had presumed to wear "an undeserved dignity." Had attempted to "cozen fortune," and seem honourable without the stamp of merit, and thus had tempted that doom and disgrace which it would be idle to declare he did not fully deserve.

CHAPTER XXIII.

RALEIGH ends his story of the 'History of the World' with the moral that all the "far-stretched greatness of man" is covered in by the words *hic jacet*. The contemplation of a vast army, of which not one man would presently remain, is said to have conveyed the same pang of grief to Xerxes. Shakspeare, in those pathetic lines from 'The Tempest,' implying that all the products of man's restless ambition shall fade away like "the baseless fabric of a vision," conveys more fully, perfectly, and nobly the same truth.

In the fall of Wolsey the great poet has indicated the pathos and personal suffering supplied in the fate which has now fallen on Bacon, of surviving the death of his proudest hopes. Henceforth, like Napoleon the Great, he is to suffer the fate of Prometheus. He is to be chained to a rock, with anger and cruel indignation preying on his heart. To suffer the worst fate which the fable of old time, or the history of the new presents. But he is not stricken down. He does not, like Napoleon, vent his spleen on those unhappy enough to be about him. He bears with him an amulet against the worst

malice of fortune—a “mind not to be changed by time or place;” which is its own vast empire. He has within him a philosophy which defies fate.

Has he not moralized too, with Epictetus, “*Heri vidi fragilem frangi, hodie vidi mortalem mori?*” * “That if a man’s mind be deeply seasoned with the consideration of the mortality and corruptible nature of things,” he will perceive the nothingness of all; and with this philosophy he falls back on his early studies.

We, who have watched him ascend—who have seen with what care and diligence, with what assiduous labour and patience, he has wrought out his splendid career—have become partners in his fate. We must surely sympathise with the great man fallen, with the proud soul humbled. We have traced him from earth, watched him in his daring flight, borne up on unbated wing, till he became a mere speck, threading his precipitous pathway up through heaven; saw the flash of the bolt that struck him in mid career, and tumbled him headlong to earth. His fall has smitten us. We lay hands on him; he is breathless, dizzy, but not dead. We turn him over, with his face to the sun, and we see no maimed, crushed, broken man, but a man shaken, much wounded, but resolute, self-contained as before. He is a philosopher.

But Bacon’s career, that looks so like a painless flight, was eminently one of labour. When he stood proudest, an image of happiness, in the Temple of Fortune herself, in the eyes of his wondering fellows, there were pangs that qualified all joy. Now men scrawl on the base

* Implying in the original—“Yesterday it was a glass broken, to-day it is a man dead.”

of his statue, shrined in the temple of its immortality, "Ichabod," for its glory has departed. Pity is averse to pursue the theme. Shall we follow the beast stricken in the chase, as it drags itself wounded to its home, to die? Surely not. The moral is told. Bacon was a foe to liberty, and has expiated the great offence. He was a traitor to his country, and has paid the penalty. His public history supplies the chief, though necessarily not the total, interest of his life. A private history, if it could have been obtained, would have had its value, too; but no record exists of his domestic ties or sympathies. When he retired to Gorhambury he retired to scholarship and comparative seclusion. Henceforth a philosopher again. Like an eagle he has soared, has touched on every crag of human ambition within mortal vision, but he returns to the old nest to die. Everything about him suggests early associations and a different fate. This is his doom.

It is a sorrowful story—a story old as the world, and that never grows older. There must be grief for him. For that dull, monotonous round of labour, which Rawley has described, unsweetened by domestic love, with one consciousness only—that a world is looking on as he sits at his desk. That the next generation, forgetting his errors, uninjured by his ambition, may pass leniently by his faults, thinking only of his splendid achievements.

If Bacon's gifts were more than human; his flight and fall have been most human. His career was that of any diligent worker. He laboured and he prospered. His opportunities, spite of his father's name and his great connection, were of small import. He, as much as the humblest student of Gray's Inn, has had to fight his way. He was

an adventurer. His family and name gave him advantages, intercourse with royalty, but the vast sum of his success has been the result of his labour and genius. His patience, his moderation, his undeviating habits of conciliation, his energy, have resulted in obtaining for him his title and his Chancellorship. His known insincerity hindered him. His want of principle ruined him. That is his story. In one aspect he is an example of successful enterprise. In the other of—just retribution.

He has been no hero of romance, to rise and prosper by the mere caprice of an author, but has won his upward path, point by point, inch by inch, as many men do. If his means had only been just, he would have maintained the post he won. In his fall his life concerns us little more than the private life of any other statesman or philosopher. The moral is wrought out, the story told. Up to the zenith of his great ambition, the web of his career was woven in with the history of his times. He represents its unconstitutional tyranny, its fatal policy. He was the champion of absolutism. Possibly those who knew him in the days of his triumphs and success repined at the injustice of the just heavens which so rewarded a base friend, a traitorous subject, an unjust judge. Yet if they had had faith they would have seen retribution. Expiation does not follow often as surely. But, as all men know, the bolt frequently does fall on the criminal, or on his best beloved.

Count "no creature happy till he is dead," says the proverb. And so with mean shifts for money, with base stories of his poverty, of his baseness, of his indebtedness

cleaving to him, and soiling his high fame, Bacon drops into the sere and yellow leaf.

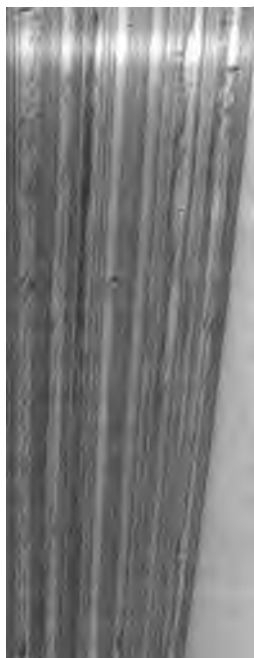
In passing over the series of years during which he lived, we have, as I think, traversed the most momentous period of English history. An era clearly identified with his powers and character. With his mission and place on earth. Man is no more isolated than he is alone. It may seem that the birth of a Galileo under the tyranny of the Inquisition ; the career of a Shakspeare as a mere player ; indicates rather a fortuitous concurrence of circumstances, than an exactly regulated combination of affairs. But there is an undoubted homogeneousness in the mass, and in the atom. When the necessity arises, the man appears. The only question is, as to the necessity. Human ideas and divine are not always concurrent, and hypothetically it may serve to devote a chapter or two to Bacon's relationship to history, to the progress of human affairs, even if merely to apply our consideration to the relationship of facts, and not with a view to elucidate his place and position, according to divine ordinance.

In insisting on the dignified history of Elizabeth's day, it is scarcely necessary to admit that its grandeur, magnificence, or poetry are alike capable of very large deductions. All human splendour and magnificence has its prosaic side. The most subtle beauty of earth is subject to the hand of the anatomist. It is not, however, all history which admits of just poetic elevation. Fortunate is the nation that has an ideal or an elevated and poetic epoch to fall back upon—that has a great literature as

its eternal standard of excellence—a vast philosophy still to be applied and worked out.

Elizabeth's age had its shadows. Its roads were bad, its people barbarous. Generally ignorant, superstitious, cruel. Corruption ruled in high places. The court, towards her death, became dissolute, and to some extent depraved. Justice was even more removed from the abodes of men. There was little discrimination in the axe or the gibbet. Death was the cure-all and end-all of punishment. The penitent and the impenitent, the accidental and the confirmed criminal, met the same fate. Perlin, the French physician, who published, the year of Elizabeth's accession, an account at Paris of the English and Scotch people, pleasantly remarks, amid much bitter invective and undoubted enmity, that there were few great families which could not fortunately boast a headless relative. But if great families did not escape, they bore but a small proportion to the bulk of persons executed in various ways, and for different offences, large and small, of religion or of state. By imperfect trial, guilty or not guilty. But extremes frequently meet. Misery and grandeur are often near neighbours, and it is possible to make large deductions from all human happiness. But it must not be supposed, on this account, that the splendour of the last half of the sixteenth century was bounded between extremes. All good fortune is subject to fallibility. The bright light produces deep shadows. At every feast there sit ominous tokens of death and fate. Neither the court levee, nor the coronation of a King, nor the "penny wedding," are exempt from pangs of envy and of grief.

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England had at last slowly responded to these advantages. Florence and Antwerp had become standards high and unapproachable, in art and literature, in commercial prosperity, wealth, and civic importance, before England awoke from the lethargy of ages, or freed herself sufficiently from the trammels of feudal law to enter on the career of modern civilization. She was at last arousing herself.

The policy of the Tudors had been to depress the nobles, to strengthen the citizen. Trade had been opened with Denmark and Florence and all the wide-spread shores of the Mediterranean. Sebastian Cabot the younger had instigated a voyage of discovery for a north-west passage to China and the eastern world. Henry VIII. had established a royal fleet, and had founded the dockyards at Woolwich and Deptford, and the Corporation of the Trinity House. The monopoly of the Hanseatic League, or of the merchants of the Steel-yard as they were called, had been broken down.* The enterprise of various independent travellers, to Russia, Turkey, and the Indies, was leading to commercial relationships with these countries; while the decline of the prosperity of the Netherlands, consequent on its long and bloody wars, and which was to culminate in the sack of Antwerp, was lending a vast stimulus to trade and enterprise in Britain. Lastly, there followed, as a seal and bond of union, the translation of the Bible, which was placed in every hand, giving to all men a common literature, a common religion, a common cause.

If the commercial enterprise dawning during the Tudor

* In 1552.

dynasty was awakening the human mind to a certain tolerance and liberality, a certain respect for literature, for the attributes and fashions of nations more gifted and cultivated than our own ; the introduction of a new religion, the establishment of a national church, the championship of a more tolerant faith, imposed on England, with vast responsibilities, an undeniably increased power. The imitation of the ancients, the revival of scholastic and classic learning, the fashion of travel, the emulation of Italy, had opened out the stores of Florentine as well as antique learning, and created a love of literature and of intellectual discipline, which are at the base of national enterprise, refinement, and prosperity. When a long-established internal peace, and a settled policy of government, had secured the possibilities of freedom, and some semblance of justice and of law, there came to the throne one of the most learned, if not the most learned, monarch in Christendom—the probably best scholar in her own dominions ; a lady learned in French, Italian, Spanish, Greek, and Latin ; a ruler at once wise and politic, resolute and conciliatory, haughty and affable, fitted to be King, with such citizens as Shakspeare, Bacon, and Raleigh about her throne. One who was identified with the new and reformed faith, with intellectual freedom, in antagonism to the dominion of Rome, and the hateful tyranny of foreign ecclesiastics. One who was to introduce the fashion of being, not of seeming learned. Who was to be the high priestess of a new church, the head of the new birth of knowledge.

Every one of Alexander's followers, says Montaigne, carried their heads on one side as he did, the King setting

the example. Elizabeth's influence produced a similar effect. The ladies and courtiers of her court had their heads turned by learning as she had. The fashion was at least more beneficial than many that have reigned since. Intellectual refinement and the graces of scholarship, radiated from her court its influence on her people. Feudal influences had been wasting away; castles had been starved to feed cities. Mighty social changes had been wrought. The heavy hand of Rome had been removed from the sceptre and crown of England. Her tyranny had been sharp and terrible. Her policy had been fatally wise. It separated the weak from the strong portion of conservatism, that part which has been the undoing of states from that which has led to power and prosperity. She had recruited her strength from the intelligence of every class. While true to herself, her dominion was unassailable. Her ecclesiastics had sat in the councils, ruled in the law, absorbed alike the wealth and prosperity of the state, checked the parliament, and menaced the King. With this decline of Rome, this dawn of freedom and of commerce, of learning and enterprise, what have Coke and Bacon to do? Merely this.

A new religion, a new world, a new literature, an awakened thought, liberty, and law, and justice, were awaking too. Many of the seeds of future greatness and prosperity were planted, requiring only time and patience for development.

Henceforth all the resources of the island—her literature, public policy, manners, customs, and laws—have to be estimated by the changes which are taking place. By these, Bacon's mission and utility, his place and fitness, in

his age and nation, have to be estimated. A commercial state of citizenship is overthrowing the feudal. There is need to methodize the wisdom and lore of man. To give him practical command over nature. To methodize his thought. To arm the citizen and trader, the manufacturer and shopkeeper. To place in his hand the wand of Prospero, giving him power over the spirits of air, and over the pent-up forces of nature. Man was being emancipated from the dominion of an all-powerful Church, and an equally rigorous social bond of military compact, which gave to the strong hand might and dominion. It was necessary that law should be strengthened, and freed from feudal injustice. That thought should be enfranchised. That it should be made practical and subservient to man's corporeal wants, to the necessities of increased population, removed from primitive habits, and Coke and Bacon arose.

This, then, was in part the position of affairs when Elizabeth came to the throne. It is impossible to convey exactly, or even comprehensively, to the mind of any reader, in a book like the present, the precise state of the nation. But some little explanation is demanded to show Bacon's necessity in the state—to show, with the oracle of Hippocrates, quoting Hooker, "*That each thing, both in small and great, fulfilleth the task which destiny hath set down, and concerning the manner they know not, yet is it in show and appearance as of executing and fulfilling the same.*" This end is, in truth, part of his life. The unconscious purpose is not less than the conscious object. Shakspeare's task was to apply a divine philosophy, a divine theology, to the purposes and ways of life. To

show the beauty of that philosophy in its application to human affairs. To create an Art which should embody in action—Christian belief. Bacon's purpose I do not, in part I cannot, as exactly indicate. It was undoubtedly to methodize the learning then being so rapidly attained. To bless the fertility with use. To assimilate, with fruition; economise thought; direct the labours of the mind; and establish and systematize the human intellect, to a beneficent, wise, and useful end.

It is impossible to convey vividly an exact estimate of the state of the nation, of the people, their habits, customs, dress, and literature. I wish merely to indicate some of its special features. For now arose, as out of night and chaos, the sun of England's greatness. Now were developed those mighty influences, absorbed from all the quarters of the world, which converge to form the greatness of empire. Now a new learning, science, philosophy, religion was begotten. The old bond of government, the feudal compact, was loosened. Then came the Virgin Queen to the throne, as the keystone of the arch to make and bind, to consolidate, under God's providence, the laws, the religion, the peace and domestic policy, the literature and the intellectual glory of the nation. And then arose those majestic minds which were not merely to shed a lustre on their own times, but were destined to become exemplars to their nation, and to their race for ever.

CHAPTER XXIV.

BACON, Shakspeare, and Coke were the master minds of the age in which they lived. They were the rulers and legislators of the revival of letters—of the birth of English literature and of English intellectual eminence.

To point out precisely and fully their peculiar relationship to their age would require a separate treatise, which might in itself form a book. That this classification is not altogether arbitrary or fanciful, that these three men were entitled to pre-eminent distinction, as benefactors of the human race, it would not be difficult to show. They fall under the class of "founders of empires." Empires in the universe of intellect. Monarchs, not of wastes and of barren deserts, but of a wide-spread dominion, now governed by their laws, disciplined by their strong sense, and fortified by their impregnable discretion, having its citadel in the unapproachable eminence of their firmly-based supremacy.

This is no image. It is a mere fact. As the traditional leaders of the human race, out of a common material, builded cities and endowed them, converting the wilderness into a home, found clay and left marble, these

sovereigns of the human race, built and endowed Kingdoms, bequeathing them laws of eternal force. Coke achieved so much for the liberty of man. Built up a city of refuge in the desert. Made it impregnable with justice and law. Enabled man to triumph successfully over adverse social organization, and against all those enmities which fraud or crime, or unbridled tyranny could bring against it.

Bacon's mission was to enable man to conquer the material world, to pluck out the heart of its mysteries, to make all learning tributary to man's happiness. In the words of Pliny,* "to apprehend all things under the cope of heaven," or as Lord Bacon himself has more grandly and happily said, "to take all learning for his province," and so to wed himself to wisdom, that he might reject vain speculations and whatever is empty and void, so as to preserve whatever is solid and fruitful to the use and benefit of man—taking wisdom, not as a bondwoman for profit, or as a courtesan for pleasure, but "as a wife, as a helper and friend."

In every relationship of man towards man, as husband, as citizen, ruler, master, as friend, servant, as father, as son, Shakspeare's philosophy is the best extant. His poetry may be described as the application of mediæval wisdom to human affairs. Bacon's to material issues. Coke's to ministerial ends. For without freedom of speech and of expression, freedom of thought is useless

* Book vii., chap. 25, Pliny, of Cæsar :—"Animi vigore præstantissimum arbitror genitum Cæsarem dictatorem. Nec virtutem constantiamque nunc commemoro, nec sublimitatem omnium capacem quæ collo continentur," &c.



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It may be objected that these maxims are like proverbs, more easily uttered than illustrated. Yet the art of creating these proverbs died with its inventor. All the voluminous treatises on ethics, metaphysics, theology, illustrated in many instances by vast lore, and most acute discrimination, lives of devotion and study, had not then appeared. But of the literature of his time, such opportunities of travel as had been afforded to him, such knowledge of law, of public business, Bacon created a system (leaving it imperfect and fragmentary, it is true) of philosophy, and of educational discipline, still most imperfectly understood, still to be made valuable and useful to man.

Edition after edition appears of his works, containing, as it would seem, matter for the scholar and the student, but perfectly terrible to contemplate in the present multiplication of books—charges to juries, to judges, speeches on extinct treasons, and dismally defunct trials. Letters carted together, misdated, published without order, a mere chaotic mass, while two valuable, eternal, immutable treatises of wisdom, remain inedited, a “sealed book” to the majority of his countrymen. Five-sixths of his entire works were labours directed to the immediate necessities of the hour. If men could preserve everything that is written, were omniscient in absorption, such productions should be preserved, but at present no excuse exists for such indiscriminate, lax, and heedless editorship.

Whatever Francis Bacon wrote has a certain value; but what he wrote believing himself immortal—with a view to eternal preservation, among the laws of men, is not wisely disposed amid the mass of his fugitive labours.

Men, unless practised divers, will not seek in the sea for pearls though they know them to be there. Nor should we all be necessitated to seek the needle we require in its proverbial load of hay. Will no one wisely sacrifice himself, not to give a learned or profound interpretation of this author, but to his simple exposition? —to present him in English, of the common people? A small handbook would contain his best maxims, arranged in an orderly manner, in their proper systems, with their explanation, and application. But before proceeding to say more on this head, we will again turn our attention to consider the wisdom of which he was an exponent. What circumstances had conspired to give him authority. What place he occupied in the history of his time, in the history of learning, in the progress of the world.

The sixteenth century is usually associated with the revival of letters, and of the arts, and with the dawn of modern civilization, as based on the combined results of classic and Gothic feelings in Europe. Then, for the first time, were combined pre-Christian with post-Christian resources. It is perhaps humiliating, but not less true, that Britain was nearly a century behind the Continent in literature, much more than a century in art, and that in this revival of an appreciation of the ancients, as well as in the development of an independent character and originality, in all intellectual and refined labour she was equally anticipated.

Florence, and great part of Italy, had attained a zenith in intellectual eminence more than a hundred years before Bacon died. The greatest glories of Florentine literature were achieved in the days of the Planta-

genets. All the great classics of antiquity were issued freely from the continental presses, while England was comparatively in darkness. For the first half of the sixteenth century the invention of Faust slumbered in Britain. The progress of the Reformation in destroying all the old monastic institutions, its public schools, and demolishing the libraries, had for the time checked the progress of education, and inaugurated an age of darkness and ignorance. From the date of Elizabeth's accession a new grandeur and magnificence, a new intelligence and culture, the empire of the England of to-day, arose.

If remote causes, and not the nearest, were to be considered, probably there is no man to whom England is more indebted for this resuscitation than Roger Ascham, the tutor of Queen Elizabeth and of Lady Jane Grey, and the author of the 'Schoolmaster' and 'Toxophilus.' As the tutor of the Queen, he was probably chiefly instrumental in imparting to her Majesty that love of letters and of educational accomplishment which she set in her own person, as a fashion. Undoubtedly, her country was much more heavily indebted to Elizabeth than historians have been prepared with candour to acknowledge. Possibly the fact of her being a woman, though it conduced to many fair speeches during her life, and much lip service, has sanctioned the insincerity.

She was probably the most learned person in her dominions. What says Ascham himself, and tutors are supposed to be exacting?—"It is your shame. I speak to you all, young gentlemen of England, that one maid should go beyond you all in excellency of learning and knowledge of divers tongues. Point forth six of the

best given gentlemen of this court, and all they together show not so much good will, spend not so much time, bestow not so many hours daily, orderly and constantly, for the increase of learning and knowledge as doth the Queen's Majesty herself. Yea, I believe that besides her perfect readiness in Latin, Italian, French, and Spanish, she readeth, now at Windsor, more Greek every day than some prebendaries of this church do read Latin in a week." This is honest praise, for no more honest man than Roger Ascham ever lived.

But his works abound with similar testimony, as they also do with proofs of his love and devotion to learning; not for show or gain, or from even an indiscriminating rapacity, but with a view to the advancement of his kind. With a sense of its mighty value in the civilization of man. With a spirit akin to Bacon's own. In his own words, "No one matter maketh more difference 'twixt man and man than learning. And though learning bring to every kind of man (who godlily doth use it) the truest pleasure, the surest profit, the greatest praise, that can be either gained on earth, or given from heaven (heaven itself only excepted), yet is not learning more fit and necessary to any other person than it is to a Prince."

Thus candidly he wrote to his Queen. Thus impressed on her that learning and wisdom are the only distinctions fit to be observed among men. And he proceeds to say, "That as subjects ought by reason and duty to obey and follow, princes are in dignity, and ought to be in worthiness, commanders and leaders, and therefore as masters and teachers. And shall he lead another, that

cannot go himself? or what shall he teach that nothing hath learned?"

This is sufficiently candid, as directed to a monarch, but he proceeds even more plainly, though at too great length to be here quoted.*

To pause for an instant and recall the servility of the dedications of Bacon, and of many of his successors, we may regret, that a literature that began so independently and nobly, should have suffered a decline rather than an elevation in dignity, since that day. It was little wonder that literature ceased to be respected when its professors ceased to respect themselves.

As the tutor of Elizabeth, as a wise man, as a true lover of learning, as one most deeply impregnated with the social value of education, Ascham undoubtedly exerted a beneficial influence. His learned scholar, as the mistress of the state, as the head of the Protestant league, the champion of rotestantism, the ruler of a powerful nation, was, from the part she played in the drama, able to do much more. As has been already remarked, she made learning fashionable, and, in making it fashionable, secured its success.

From Anthony Wood and Roger Ascham a moving picture of the decay of all learning and of the prevailing ignorance may be drawn when Elizabeth came to the throne. It was a dark night between two bright days. Mary's reign being that brief interval which, in the poetic superstition of one of the most gifted and unhappy nations, is said to be the darkest, as the hour before day. Stimu-

* Letter to Queen Elizabeth, with present of part of the Old Testament. Printed in Dodsley's Ed. 4to. 1761.

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The rest of his testimony is in unison.* His letter to the Marquis of Northampton predicted, from the decay of grammar schools, the downfall of the universities. The clergy were ignorant. Their endowments had been confiscated. Their livings appropriated. Artificers and illiterate persons had from lack of worthier candidates been admitted to holy orders; and spite of the fact that the first heads of the Reformation had been shining lights of intellectual cultivation, the seeds of the Reformation were threatened to be choked by the ruins on which they fell. If Luther, in the words of Bacon, "being no wise aided, by the opinions of his own time, was enforced to awaken all antiquity, and to call former times to his succour, to make a party against the present time," his followers were for a time hindered in following his example. Yet it cannot be doubted that Cecil and the heads of the reformed party were highly cultivated, and represented the cause of learning. Elizabeth herself was the most learned sovereign in Christendom. But it took nearly fifty years to develop that classical feeling which was subsequently to prove so great a bane to the progress of literature. A feeling which the earlier Elizabethan authors missed, but which grew and strengthened during her reign, till it entirely destroyed all native character, in native labours.

This growth of classical learning tending more to fluency (*copia*) than weight, Bacon, with the dissonance be-

* See also his note: "Anno 1553, et Julii 6to. Nobillissim princeps, Edoardus sextus, immatura morte, ad hujus regni maximum detrimentum, ad piorum omnium ingentem dolorem, ad omnium Anglorum immensum malum, et Rogeri Ascham, magnam calamitatem, diem obiit."

tween practice and precept that is common to mankind, deprecated severely in his 'Advancement of Learning;' though his prose, perhaps unconsciously, occupies a transitive position, between the purity of the "English undefiled" of Sidney and Ascham, and the poetry of Milton, which is much more classic than English. And here it may be remarked, that it is singular that the same classical feeling should pervade alike the monumental art, the architecture, and the poetry of James I. and Charles's reign. Inigo Jones and Milton are equally indebted to antiquity. Bacon's language is less classic in form, less stiffened through its tissue with classical imagery, less saturated with mythological allusions, but is still far removed from the simplicity of Ascham, or of Shakspeare.

That Bacon was unconsciously servile to the national feeling and fashion in the matter, there can be little question. On the testimony of Rawley, even if his writings did not afford unmistakeable evidence in proof, he ever sought sense rather than sound, and paid more attention to the matter and substance, than its form or mode of expression. Thus the 'Essays,' as revised in the edition of 1625, are as ponderous and pregnant as the text of Thucydides. So far his practice conformed to his precept—that while he introduced more classical allusion than befitted an English writer, his idioms are chiefly English from simple and familiar sources.

His condemnation indeed was marked, though his practice did not wholly concur. He has said: "Here, therefore, is the first distemper of learning, when men study words and not matter. Whereof, though I have represented an example of late times, yet it hath been and will

be *Secundum majus et minus* in all time." This last phrase with an allusion in the next sentence but one to Pygmalion's frenzy, will precisely illustrate the point; the phrase "*Secundum majus et minus*" and the allusion, could have been as certainly much more forcibly expressed in English. At the instant Bacon is decrying this species of ostentation he unconsciously falls into it. Whatever charge lay against the majority of the writers of Shakspeare's day, against the euphuistic authors, it is certain that its worst features were only attained in a succeeding age.

The poetry of Milton, like much of that literature which succeeded it, is more foreign than English. Its idioms are classic; its allusions mythologic. It converts the story of the fall of man, and of his redemption from sin, into a classic epic on a heathen basis, and confounds mythologic fable with knowledge drawn directly from inspired sources, from the study of nature, and the contemplation of the Deity.

In art it is barbarous. As an example of this barbarous art it is, however, transcendent.

The poet of Stratford fortunately, though strictly contemporary, escaped even so much of this infection as Bacon was affected by. He was less influenced by the fashion of the time, being for all time. His unostentatious temper and profound discrimination saved him. He fell no victim to that classical feeling which the great philosopher so vehemently deprecates. His English was the English of the common people. So little obscured by affectation, so little impaired by conventional usage, as to be the most intelligible literature of his day. He has

consequently suffered little by the lapse of time, and is almost as readable as he was then, while Bacon has become (in language only) to a great extent obsolete.

To regulate the stores of learning opened out during the sixteenth century, to map out the land occupied by conquest, a master-mind in philosophy was needed. That mind had Bacon. Learning, that is, according to modern classification literature, science, logic, and natural philosophy centred in him. Poetry, criticism, logic, history had all taken their place in turn successively, before the Philosopher appeared who should be enabled to methodize their stores, and define the rules which were to guide the thought of succeeding generations.

CHAPTER XXV.

Of the arts that sprung into new life at the revival of learning, poetry was, as usual, the first to respond to awakened civilization. This was in consonance with antique fable, and its mythologic impersonation in the person of Minerva. The season was in unison. The ages of chivalry had left vast stores of fabulous and partly historic stories, which had sunk into the popular mind and become traditions as sincerely recognized as truths of holy writ. The staple food was poetry; the authors were poets; all the books printed were poems. Among the books issued from Caxton's press, were the '*Æneid*' of Virgil, translated from the French and English versions of Selections from Cicero. Chaucer's poems and translations of Boccaccio, Petrarch, and Dante. These continued for the next fifty years to be the staple literature. In Burton's day, the Tales of Boccaccio were the delight of winter evenings. Surrey's Poems* were founded on the Italian model.

It is from these sources—from the Hundred Tales of Giraldi and the novels of Bandello; from Hollin-

* 1557.

shed's History,* and from the translation of Plutarch, that Shakspeare drew the chief materials for the plots of his plays. They were the familiar sources of knowledge of the bulk of the people. The chief classical poets were, before Bacon had settled in Gray's Inn, translated into English—the seven first books of Virgil were “done into English by Thomas Phaier,” and published before he was born. While he was a baby in arms, the eighth and ninth books, dedicated to Sir Nicholas, were completed by the same author.

This will give some idea merely of the demand for poetry as compared with those made on the Histories, Satires, or Criticisms of the ancients—of the vast predominance of poetical over critical or analytical authorship, over history and biography. But the poetry of the time acted and reacted on the history of the time. Knight-errantry supplied it with stores of crude material; monkish legends with much more. The religion of the Catholic Church, with its magnificent ritual, its ceremonial pomp, its mysterious legends, so calculated to awe and awaken the imagination, and its deep impressiveness of belief, aided in the cause. “The Catholic religion,” says Warton, “encouraged or rather authorized every species of credulity; its visions, miracles, and legends propagated a general propensity to the marvellous, and strengthened the belief of spectres, demons, witches, and incantations.” Thus insensibly the present fact lent a charm to the future fancy of the poet.

Then there existed another element, in the strength and identity of human character. The angularity of the

* 1577.

human mind had not been worn away. Society had not smoothed the stone from the brook. Men preserved, untamed by conventional usages, many of the irregularities, much of the force and wildness of their natural tempers. The phases of jealousy, personal enmity, love, or malice were more strongly marked. They did what was right in their own eyes. There were no social barriers to curb infectious hate, or check the strong hand. "Human statutes had not purged the general weal." Assassinations and murder were encouraged by sanctuary. In the very heart of the City there lived a lawless host, the cankers of peace, the lees of bloody wars, swashbucklers and bravos, roysterers, beggars, and broken soldiers, soldiers of fortune, feudal retainers, dangerous to the peace of the Commonwealth. The evils of the plague, pestilence, and famine, battle, and murder, and sudden death, had then real significance. But facts were heightened and made more dreadful by ignorance. Every sudden death was said to be by poison. Every wasting away, by witchcraft. Jewel, one of the great lights of the Church, and the learned author of the 'Apology,' in a sermon delivered before the Queen urges publicly, "These eyes have seen most evident and manifest marks of their [the sorcerers'] wickedness. Your Grace's subjects pine away even unto the death ; their colour fadeth, their flesh rotteth, their speech is stemmed, their senses are bereft."

Thus Hatton, Raleigh, Burleigh, Leicester, Robert Cecil were all in turn charged with poisoning their enemies. The fear of Italian craft was popular. The crimes of the Borgias fructified by the heat of imagination in the general ignorance. Men read little, compared less,

but believed all. Superstition and fear conspired to prevent anatomical investigation. Vesalius' great book, 'De corporis humani fabrica,' had been published. But ignorance of the language in which it was written had prevented the circulation of its knowledge in England. Thus about all men's lives hung a mysterious fatality—a superstition begotten of fear and fancy, of credulity and ignorance. The terrors excited by the plague could not now be estimated. Some idea may be gleaned only in the later narrative of Defoe. But the uncertainty of information, the growth of rumour, helped to keep alive all the elements of fear, of superstition, of terror, and, in a word, all those elements of strong feeling, vivid impression, and pregnant fancy which are the very thews and sinews of poetry.

The material terrors of death were slight as compared with its ghostly horrors. The air was peopled with mysterious beings of another world. At night these creatures of phantasy were released. The spirits of murdered men, freed from their earthly cerements, walked abroad, to cry for justice against their murderers. The belief in God's overruling justice is perhaps the strongest and most universal instinct of men's nature. This was expressed in a belief, in its most direct manifestation—in a form which demanded less faith and patience than any other—that murder would speak "with most miraculous organ"—that augury would often reveal the assassin, even if his own guilty fears and terrors were not so wrought on as to destroy his peace of mind.

Metaphysics furnished no cause for immoral propensities, rash impulses, or the worst infirmities. Thus

good intentions were supposed to be frustrated by the spirits of darkness, by elves and goblins. Men attributed false causes to the material pains suffered by their bodies, in which they had their sensations to guide them. How much more were they likely to attribute material promptings in the affairs of the mind, where they saw the result alone. Such and similar beliefs acted on poetry, and poetry again tinged these impressions.

The beautiful and beneficent operations of Nature were associated with the loveliest forms—with fairies of surpassing beauty, who appeared clad in robes of celestial radiance, the emanations of loftier and brighter spheres. There was materialism in all this; but it was materialism of the most poetic and enchanting kind. The belief again held, that man, by knowledge and labour, attained mastery over these powers of the air, potent to raise, direct, and rule spirits. According to the texture of the mind in which these impressions took root was the coarseness or fineness of the resulting picture. The beauty of the photograph depended on the accuracy of the lens, in the perfection of the chemical and artistic combination by which the results were realized. The popular Wizard or necromancer in some minds assumed the form of a malignant enemy to mankind, in others of a learned but mischievous foe or a powerful knight, or a specious ally of the powers of darkness. In the plays of Shakspeare, all these beliefs assumed the noblest, the most dignified form. The Witch of pernicious attributes and grovelling pursuits rises to a tragic grandeur and magnificence. The Magician is merely a scholar who has dared the heights

of human wisdom. In the person of Prospero in the 'Tempest' he is preternaturally wise, beneficent, removed from human feeling and sympathy by the very height and abstraction of his pursuits. But with a Baconian loftiness of thought he has a Baconian iciness about his heart. Human griefs and joys barely affect him. He is scarcely susceptible of anger. With tenderness, but little love for his kind. Having mused too long on the perishable nature of all things, to feel a special concern for one. Thus the poetry of the time absorbed the beliefs of the time—condensed and embodied its acts; put its superstitions into verse; enshrined its fears and fancies in hexameters and alexandrines. And thus the chief of the poets played and toyed with all these fancies of the uninformed mind. Enshrined them in his verse, and left them to the wonder and delight, the reverence and worship of succeeding generations.

But these were but a few of the causes which gave to the Elizabethan age its distinguishing character, which governed and ruled the poetry of Shakspeare, and which subserved the intellect of Francis Bacon.

The discovery of the New World had given an entirely new direction to enterprise. This and the origin of a fleet in England of any importance, were almost concurrent circumstances. The lands wrested from unknown space opened a field alike to the soldier, the maritime discoverer, the poet, the naturalist, the man of science, and the trader. Mercator and Copernicus had paved the way for utilizing the discovery. Chivalry and interest combined powerfully to stimulate the national ardour, and to open the New World for the benefit and the adventure of the Old.

Nearly all the great expeditions fitted out in Elizabeth's day were for this destination. They were chiefly at private risk, and often at great loss to the noblemen and gentlemen who planned them.

Essex, and Cumberland, and Howard had wasted their means in maritime ventures. A religious, a national and patriotic zeal combined to keep the light of enterprise alive. The knowledge of remote places on the world's surface was strangely coupled with fiction, strangely impregnated with the phantasies of ignorance early in Elizabeth's day. The list of popular errors, which Sir Thomas Browne catalogues as existing in his day, would give us only a faint notion of the popular notions of distant countries which prevailed a century before. Pliny was not an unfruitful source; he had been in the hands of the schoolmen; and filtered as he had been through the minds of monkish teachers, he had led to the propagation and diffusion of not a few errors. But there had been grafted on his stock a far more luxuriant growth of native origin. Men believed in seas of fire, in regions of thick-ribbed ice—in cannibals; in anthropophagi; in demons of hideous aspect inhabiting remote worlds—in animals of ferocious nature and deadly mien—in tropical marvels that no eye had yet scanned.

What was known of the terrors of Spain, and the mysterious and dreaded Inquisition; of the midnight murders enacted by its bloody tribunal; the tortures that had been brought on the unhappy Netherlanders, that had been seen by the travelled soldier with his own eyes, was calculated to arouse a dread and fear of this haughty nation. The Spanish occupation of America;—the mas-

sacre of the Huguenots, when, as in a night, the angel of wrath and superstition bore down and sacrificed alike the innocent and the guilty, the virtuous and the depraved, the helpless and the strong, gave a force alike to living history and its concrete poetry. The deeds of the Borgias, the quarrels and feuds of the Florentines, the occupation of the Moors, the rise of the Venetian republic, the resuscitated history of Greek and Roman, alike found their epitome in the chronicles of the times and in the dramas of the age.

Before the end of the century classical knowledge was changing the aspect of thought and of national literature. It had not yet mastered and overthrown it. It added to the common stock of human errors. It advanced men's appreciation of distant countries. It tempted their minds to adventurous exploits, to wars and strife, to splendour and display—to tell of the wonders of old Nile, of the marvels of Greece and Rome, of the civil policy of antiquity, and added, in conjunction with modern adventure, another source to the common stock of learning and erudition which needed classification and direction.

War itself opened out several arts. Strategy and fortification, the results of gunpowder, were taking the place of the old system of warfare. It was true personal prowess still prevailed; but gunpowder and art were fast superseding mere dexterity and personal valour. In some way, moreover, war, and the more vivid results of poetry and history, have been strangely united. In the period of greatest national glory, among the Athenians, the arts of oratory, the drama and history flourished

the brightest. Her dramatists, and poets, and historians were themselves soldiers.

Thus was it in England. Sidney, Jonson, Surrey, Wyatt, Oxford, Sackville, Essex, Spenser, (and not impossibly Shakspeare himself,) had been soldiers. To these men the glory of swift death, in the imminent deadly breach, the terrors of storm, of sacking, of battle and murder, of death by famine, by the plague, by the fury of wild beasts, or by the wasting fires of pestilence, were familiar impressions. They sought in literature a congenial food. The works first issued from Caxton's press, the translations most greedily sought, were of books of bloody and wasting wars. The history of the Plague of Florence, The Wars against Troy, The lives of the heroes of Plutarch, The deeds of knights and heroes of Romance, of Arthur and the Round Table, The Search of the San Greal. A poetry which was to enshrine this lore, which was to be congenial to this generation needed to meet its taste. A philosophy which was destined to direct it, to supersede it, to suggest loftier aims and ends, could only arise, as its sun was going down, as its influences were weakening, and was only possible as new necessities arose.

But it was not so much from literature merely, as in society generally, in the condition of the human mind, and of human reason, that the need for Bacon's philosophy arose.

From end to end the country became impregnated with religious feeling. Its superstitions took the form of heaven's direct judgments for sin. The visitation of disease, years of dearth, seasons of scarcity, all clearly

determinable by known laws, which Bacon's system has since given to the world, were associated with the direct manifestations of divine wrath—as if man did not perpetually invoke just and severe punishment. Thus we find before 1589, plays interdicted on account of the plague.

Already pleasure and worldly pomp were becoming associated, in the confusion of the human mind, with the popish worship of images—all popish association with the direct intervention of the Almighty, although, the material prosperity of other nations, and the continued success of our own, under a different dispensation, gave the lie to the supposition.

Some of the first measures of Cromwell, in Henry VIII.'s reign, had been directed against the material evidences of the Catholic faith, against images of saints and relics. Puritanism, as grave a superstition as popery, elevated these material evidences to supremacy in creed. It linked God's wrath with the cut of a surplice, with a ceremony, or a graven image. It stumbled against these accidental and dissoluble presentments of an eternal creed; as if they were not transitory, but eternal too. It confounded the importance of a belief with the *accidental* character or representation of that belief. How far such a disposition was advantageous or necessary cannot be told. In effect, the zeal was, doubtless, useful and wise; but in sweeping away things, pernicious by association, it also overthrew many valuable institutions, and cast a stigma on much that was excellent, from which it has never yet become emancipated. From the injustice of such reasoning, such false deductions, such imperfect thought, a wiser philosophy was needed to extricate us.

There still remained other causes to which it is necessary to do little more than allude, which seem to form part in the chain of circumstance, which led up to the necessity of great master-minds, in the conclusion of Elizabeth's reign. And which contributed to shed that halo of glory about her career which makes it a phenomenon in history, inviting the speculation of the historian and the scholar, on the brilliant intellectual development of the age, and the premature mental supremacy it achieved.

The chief of these that need to be enumerated were the indebtedness of English to Italian literature, the complete connexion which existed between the worlds of action and of belief; in other words, between the faith of the Reformed Church, and the positive support it required, in action and by example, and the enormous growth of poetry relatively to the diffusion of the exact sciences, which threatened to absorb all the literary resources of the time.

On this last head, it may be noticed that all the first translations from the Italian were either of works of fiction or of poetry. Lord Macaulay, in his essay on Milton, makes some remarks founded on observation and analogy, with reference to poetry, with which it is almost impossible to disagree. That "as civilization advances, poetry almost necessarily declines; that language, the machine of the poet, is best fitted for its purpose in its rudest state;" that while the imitative arts require comparatively little previous refinement or cultivation, the experimental sciences must necessarily progress but slowly. From the necessary care required in collecting materials for investigation, and the equally necessary caution required in separating and combining its results;

and finally, that the tendencies, pursuits, and impressions of a comparatively rude state of society are advantageous and even necessary to the growth of poetry, while adverse to the cause of science.

Without affirming my belief in all that Lord Macaulay has stated on the subject of the growth of poetry in civilized nations, I concur fully in this general deduction as applied to this country. The rules he insists on, if not absolutely true, are specifically so with reference to England. The adventure and enterprise of the sixteenth century stimulated the taste for poetry; the chivalry of preceding ages had directed the tastes, feelings, and apprehensions of the heroes of the Armada and of Cadiz; but it would need something more than a merely general law to explain the presence of the two or three hundred publishing poets of Elizabeth's day or the rise and culmination of the drama between 1580 and 1610; while for at least five hundred years, language had been in that rude state, and society had possessed many of those elements conducive to poetry, in common with the sixteenth century. Printing, the translation of the Bible, the union of the cause of the Reformation with military and maritime supremacy may all, however, perhaps help us to account.

But we hardly know whether to attribute the varied characteristics and lofty disinterestedness, of many of the Elizabethan men to the teaching of the new faith, to the influence of antique example, or to the training of circumstance. That it formed a large element in the growth and culture of poetry there can be little doubt. Sir Humphrey Gilbert, the half-brother of Sir Walter Raleigh,

comforting his men with the assurance "that heaven is as near by sea as by land;" Sidney, wounded, passing the glass of water to the soldier, with the confession, "Thy wants are greater than mine," are elements in history peculiar in a certain grand simplicity to their own day.

These were men who did not simply read or appreciate poetry, who were not merely sensible to poetic impressions, but men into whom poetry, had entered as part of their being, and who lived out its inspiration, as if the heroism and chivalry it inculcates, were a doctrine of duty and of morality. There was a concurrence of circumstances to produce the result. If the general law will explain the circumstances, it will not explain the vivid manifestation, so that there is no alternative but to catalogue some of the apparent causes.

I have already alluded to the strange growth of poetry. The tradition derived from monkish legends and monastic times still held their ground; they wrestled with the incoming faith. This was precisely the case with religion. Many of the fundamental portions of the Catholic creed still held their ground. Literature seemed to derive aid from both. The ghost in "Hamlet" propounds the doctrine of purgatory.* The priests and monks of his drama are treated with the utmost reverence, so much so, that despite of many proofs to the contrary, he has been claimed as a member of that church. The reason being, as has already been shown, the fact, that although statutes might take away all the semblance of old creeds, it could not as effectually root out traditions, impressions, and beliefs implanted and transmitted for many generations. This was

* Wharton.

one reason why Elizabeth, during her life, disapproved of the marriage of churchmen.

Such a position was simply existent in poetry. The deeds of Arthur, of Guy Earl of Warwick, of Amadis of Gaul, of Siriac, of Sir Triamore, Sir Eglamore, and of Charlemagne, were the common property of chivalrous Europe. They held their ground against the heroes of sacred history. They helped to form the poetry of Spenser. Surrey, himself, the first poet of the sixteenth century, had passed through Europe like a hero of romance, proclaiming the beauty of his mistress, and challenging all true knights to mortal combat in her behalf. At Florence he held a tourney with the sanction of the Grand Duke of Tuscany, who gave free ingress and egress to all comers, and fortunately proved victorious. And in him we see the link that united the Raleighs, and Sidneys, and Cumberlands, and Howards, and Essex, with the knights of chivalry and romance.

From being a partaker of a common feeling, or from rational conviction, or family influences, or from the philosophic calm of his mind, Bacon has steered a middle course in his philosophy, and such as would have been hardly possible half a century later. His writings are tintured with the noblest reverence for divine authority, the loftiest appreciation of eternal wisdom, far above the petty schisms and squabbles of disputing controversialists, or angry disputants, whose creed is as narrow, as mean, as bitter as their minds. He says: "Men have sought truth in their own little worlds, and not in the great and common world."

In the growth of learning, in the revival of letters, in

the adventure and heroism of his age, in the latitude imparted by its religious tolerance, in the relative freedom from restraint, and in the birth of a scientific life, based on the decline of a poetic and chivalrous history, Lord Bacon's life and philosophy takes its place. He, as much as Shakspeare, was of Pallas's brood. He leapt, ready-armed, into the arena of life, a god in apprehension and wisdom, to give laws to mortals, and to forestall the knowledge of many centuries. As he was the first of English theoretical philosophers, so is he the greatest. That his private life did not answer in moral dignity to his philosophy and his great aims, is certainly perplexing. But I have no sympathy with those morbid and pining sentimentalists who deplore it. We are bound to accept heaven's decrees in humbleness.

That there can be no possibility of mistake on this point — that with many claims to our admiration and love, he was a pitiful citizen, must, on the most indubitable testimony, be admitted. Even supposing some fractional part of his letters may be explained away, some of his acts justified, there will still be enough left to damn him. Why should the truth be hidden? Why should men fear to look at the light? It is not the duty of the historian or the biographer to hide or obscure one detail of intrinsic importance. He is simply bound to record the truth, because, when he has taken up his theme, a mightier hand may sweep the chords and draw a nobler moral than merely pitiful and conventional trimness will offer. If the oak has not the symmetry of the yew, the system of gardening, which would effect a similar uniformity, might please a weak generation, but

is hardly a benefaction to the species. So in declaring that Lord Bacon was not a patriot, nor an honest judge, nor a good friend, nor a fond husband, I am moved by no feeling. It seems to me, to neither influence the cause of philosophy nor the reverse. There is a pitiful race, it is true, who rail at great gifts as often attended with fatal infirmities. On the one hand, their philosophy is right, for it behoves the wisest to take heed lest he fall. On the other, great gifts involve great temptations. But as a rule, the wisest are the best of men. This is their answer. Lord Bacon was the extreme exception, who proved the rule otherwise all but universal.

In conclusion, I have fulfilled my task little to my own satisfaction. No critic can come to it with greater severity of feeling than I do. The subject is magnificent and all but illimitable. But if I have served only to dissipate some few of those errors which the merest quackery and imposture of modern literature, has attempted to throw about the name of Bacon, I shall rest content.

Francis Bacon was the practical genius of the Anglo-Saxon race, dealing with the mightiest problems of the human mind in reference to material things. His was the first reach of free thought, of unbounded inquiry, guided by the loftiest discrimination into the, at that time, hidden sources and unexplored regions of exact inquiry. The standard he planted in those unknown lands has never been approached. We look across the waste of writers since his time; but he alone seems, no barren but an evergreen Hymettus, soaring above his fellows.

He sprung up amid all this miscellaneous power, this varied knowledge, this union of antique and modern lore,

of poetry with philosophy, of paganism with Christianity, before knowledge had unsettled the minds of men, to utilize and apply those stores of wisdom which were falling to our hands. In the very wealth and affluence of learning in his day, there was danger. In the fertility and luxuriance of its imagination, in its unbridled copiousness of production, there was necessity for order and direction. Some one was needed to turn and wind the fiery Pegasus, to train and culture the wild exuberance of intellectual activity. Men, as he has said, "disdained to spell, and so, by degrees, to read in the volume of God's works," and "deluded themselves by invoking their own spirits as oracles, instead of reverently and humbly pursuing nature," all of which he came to reform.

That men listened and immediately practised the contrary, "as if it had been a common sermon," is not the fault of his argument. If that last axiom of his alone had been acted on, how much waste learning might have been saved, how much false acting and evil prevented! The peculiar genius of the nineteenth century is in various ways only now attempting to enforce it. In fine, therefore, recognizing his mission, his transcendent wisdom, his impaired life, as here imperfectly but accurately delineated, I am constrained to defer again to the poetical assertion, not as being the exact truth, but as being approximately so, that he was the "wisest, brightest, meanest of mankind."



APPENDIX.

(Vide Trial of Norfolk, page 27.)

A WARRANT was issued for the racking of two of the witnesses in the trial of Norfolk—Barker and Bannister; but in the course of the trial it was denied that it had been acted on, at least against Bannister. Here it is:—

“ELIZABETH R.

BY THE QUEEN.

“Right trusty* and well-beloved we greet you well; and finding in the traitorous attempts lately discovered, that neither Barker nor Bannister, the Duke of Norfolk’s men, have uttered their knowledge, neither will discover the same without torture; forasmuch as the knowledge hereof concerneth our surety and estate, and that they have untruly already answered; We will and by warrant hereof authorize you to proceed to the further examination of them upon all points, that you can think by your discretions meet for knowledge of the truth. And if they shall not seem to you to confess plainly their knowledge, then we warrant you to cause them both, or either of them, to be brought to the rack, and first to move them with fear thereof to deal plainly in their answers; and if that shall not move them, then you shall cause them to be put to the rack, and to find the taste thereof until they shall deal more plainly, or until you shall think meet. And so we remit the whole proceeding to your further discretion,

* The spelling has been modernized.

of our R

SIR WALTER

"SIR,—

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tures, from causes remote. Look to the present, and you do wisely. His son shall be the youngest Earl of England but one; and if his father be now kept down, Will Cecil* shall be able to keep as many men at his heels as he, and more too. He may also match in a better house than his; and so that fear is not worth the fearing. But if the father continue he will be able to break the branches, and pull up the tree, root and all. Lose not your advantage. If you do, I read your destiny. Let the Queen hold Bothwell† while she have him. He will ever be the canker of her estate and safety. Princes are lost by security and preserved by prevention. I have seen the last of her good days, and all ours after his liberty."

Every word of this letter might be weighed with advantage to those curious in the character of Raleigh. It is a picture in little of his mind. Its force and energy; its unscrupulous directness of purpose; its argument, are all most characteristic. It does not mince matters. Raleigh knows his man. He uses no argument but one addressed to soothe Robert Cecil's fears. "Kelloway lives, that murdered the brother of Horsey," is certainly a potent and most plain-spoken justification. There is no suggestion that Essex's crime is worthy of punishment. No pretence made of law or justice. Robert Devereux is dangerous to us. "All our good days" are gone if he is released. He cannot revenge himself. His son is too young. Your son shall match him in following. These are the arguments. Besides, murdered men are never avenged. As a commentary on this sanguinary counsel, I will quote Sir Henry Wotton's of Essex conduct to Raleigh.

"We have many (examples) of his lenity, and one of his facility. When he did connive at the bold trespass of Sir Walter Raleigh, who, before his own arrival at Fayal, had landed there against his precise commandment, at

* William Cecil, eldest son of Robert Cecil, and his heir.

† Bothwell, Raleigh's nickname for Essex.

which time he let fall a noble word being pressed by one (whose name I need not remember), that at the least he would put him upon a martial court. That I would do (said he), if he were not my friend."—Wotton, Parallel, p. 12. Ed. 1641.

EXTRACTS FROM THE PARALLEL DRAWN BY SIR HENRY WOTTON
BETWEEN ROBERT DEVEREUX, EARL OF ESSEX, AND GEORGE
VILLIERS, DUKE OF BUCKINGHAM.

The Earl of Essex had accommodated Master Anthony Bacon in a partition of his house, and had assigned him a noble entertainment: this was a gentleman of impotent feet, but of a nimble head, and through his hand runne all the intelligences with Scotland; who being of a provident Nature (contrary to his brother the Lord Viscount St Albans), and well knowing the advantage of a dangerous secret, would many times cunningly let fall some words, as if he could amend his fortune under the Cecilians (to whom he was near of alliance and of blood also), and who had made, as he was not unwilling should be believed, some great proffers to win him away; which once or twice he pressed so far, and with such tokens and signs of apparent discontent, to my Lord Henry Howard, afterwards Earl of Northampton (who was of the party, and stood himself in much umbrage with the Queen), that he flies presently to my Lord of Essex, with whom he was commonly *prima admissio*, by his bedside in the morning, and tells him that unless that gentleman were presently satisfied with some round sume all would be routed.

This took the Earl at that time ill provided, as indeed oftentimes his coffers were low, whereupon he was fain suddenly to give him Essex House; which the good old Lady of Walsingham did afterwards disengage out of her own store, with two thousand five hundred pounds, and before he had distilled fifteen hundred pounds, at another

time, by the same skill; so as we rate this one secret, as it was finely carried at four thousand pounds in present money, besides at the least one thousand pounds of annual pension to a private and bed-ridden gentleman, what would he have gotten if he could have gone about his own business?

EXTRACTS, presumed to be in Bacon's hand, from his pamphlet on Raleigh's death, entitled 'Declaration of the Demeanour and Carriage of Sir Walter Raleigh, and of the true motives and inducements which occasioned his Majesty to proceed in doing justice upon him, as hath been done; so far as Bacon's hand seems manifest.' London: printed by Bonham Norton. 1618.

PREFACE.

Although Kings be not bound to give account of their actions to any but God alone; yet such are his Majestie's proceedings, as he hath always been willing to bring them before sun and moon, and careful to satisfy all his good people, with his intentions and courses, giving as well to future times as to the present, true and undisguised declarations of them; as judging, that for Actions not well founded, it is advantage to let them pass in uncertain reports; but for Actions that are built upon sure and solid grounds (such as his Majestie's are), it belongeth to them, to be published by open manifests: Especially his Majesty is willing, to declare and manifest to the world, his proceedings in a case of such a nature as this which followeth is; since it not only concerns his own people, but also a foreign prince and state abroad.

Accordingly therefore, for that which concerneth Sir Walter Raleigh, late executed for treason (leaving the thoughts of his heart and the protestations that he made at his death to God, that is the searcher of all hearts and judge of all truth), his Majesty hath thought fit to manifest

unto the world, how things appeared unto himself, and upon what proofs and evident Matter and the Examination of the Commanders that were employed with him in the Voyage (and namely of those which Sir Walter Raleigh himself by his own letter to Secretary Winwood, had commended for persons of special worth and credit, and as most fit for greater employments), his Majesty's proceedings have been guided; whereby it will evidently appear how agreeable they have been in all points to honour and justice."

If this is not clearly Bacon's the next paragraphs are:

"Sir Walter Raleigh having been condemned of High Treason, at his Majesty's entrance into this kingdom, and by the space of fourteen years, by his Majesty's princely Clemency and Mercy, not only spared from his Execution, but permitted to live, as in *Liberâ Custodiâ* in the Tower, and to enjoy his Lands and Living, till all was by law evicted from him upon another ground, and not by forfeiture; (which notwithstanding his Majesty out of his abundant Grace gave him a competent satisfaction for the same) at length, he fell upon an enterprise of a golden mine in Guinea.

"This proposition of his, was presented and recommended to his Majesty by Sir Ralph Winwood, then Secretary of State, as *a matter not in the air, or speculative, but real and of certainty.*"

CONCLUSION, PAGE 60.

"For these his great and heinous offences, in acts of hostility upon his Majestie's confederates, depredations, and abuses, as well of his commission as of his Majestie's subjects under his charge, Impostures, Attempts of escape, declining his Majestie's justice, and the rest, evidently proved or confessed by himself; he had made himself utterly unworthy of his Majesty's further mercy: And because he could not by Law be judicially called in question, for that his former attainder of Treason is the highest

and last work of the Law (whereby he was *civiliter mortuus*) his Majesty was enforced (except Attainders should become privileges for all subsequent offences) to resolve to have him executed upon his former Attainder.

“His Majesty’s just and honourable proceedings being thus made manifest to all his good subjects by this preceding Declaration, not founded upon conjectures or likelihoods, but either upon confession of the party himself, or upon the examination of divers unsuspected witnesses, he leaves it to the world to judge, how he could either have satisfied his own justice,” &c., &c.

NOTE ON TORTURE.

Several considerations are urged on our notice, in estimating Bacon’s culpability, in the employment of Torture. As the justification, by custom, by precedent, in the manners of the age, or in the nature of the crime. But first it must be distinctly understood, that the mere cruelty of Torture, is not in point at all—in no respect imparts to the act its flagrance or criminality. For the punishments of hanging and bowelling, of burning, of severe flogging, of continued incarceration in noisome and pestilent prisons, of “the silent system,” may have been, each or all, more severe and cruel in their effects, than the application of the manacles or the rack, unless their harshest penalties were taxed; while, as with the punishment of flogging in our own days, the ordinary use of these instruments fell much short of the extraordinary and possible abuse.

Abstractedly the iniquity of Torture lies simply in its use to extort evidence. That it is an instrument to be avowedly employed on possibly innocent men—on citizens as yet unconvicted of crime, and whom the law therefore presumes to be innocent. That preceding trial in every case for the particular offence which was to be proved only

by its use, it was in breach of the common law of England, and in direct violation of the 29th cap. of Magna Charta. For so tender is the English law as expounded by its greatest commentator of the liberty of man, that not merely must every man be first tried by fair trial, and by his peers, before he is to be degraded by punishment, but it is illegal to put even the worst or most notorious malefactor by repute, in bonds or fetters, though he be prisoner. Lord Coke says :*—"By the common law the jailer could not lay irons on his prisoner, for his safe keeping, as appears by all our ancient authors." And again :†—"It is a maxim in law, '*Non alio modo puniatur, quis quam secundum, quod se habeat condemnatio.*'" A concession to principles of abstract right, which proves that the most enlightened reverence for the purest justice ruled in the bosom of the Lord Chief Justice of England, whatever may have been the severity of his practice, or how much soever it fell short of his precept.

This, then, the illegality of Torture, not its mere cruelty, is the stamp of its iniquity, and of the criminality of those who employed it. Till a very recent period in English history, the punishment *peine forte et dure*—at least as cruel as Torture—might have been inflicted on all persons who obstinately refused to plead. Its legality was not impaired till it was repealed in the reign of George IV.‡ Blackstone has given an explanation of its terrors. The prisoner was remanded to the prison from whence he came, "and put into a low, dark chamber, and there laid on his back on the bare floor naked, unless where decency forbade; that there should be placed upon his body as great a weight of iron as he could bear, and more; that he should have no sustenance, save only on the first day three morsels of bread, and on the second day three draughts of water that should be nearest to the prison door, and so till he

* 2 Inst. 35.

† 3 Inst. 52.

‡ 7 & 8 Geo. IV., c. 28, s. 1.

died, or as antiently the judgment ran, till he answered."* This seems at least as cruel and barbarous as the rack, but it differed from it, by the essential particular, that this was a punishment for obstinacy, and for contempt of court. In treason, and all misdemeanours, the standing mute was held to be equivalent to conviction. In felony, after repeated admonition, the prisoner was thus punished.

Thus we may perceive that Torture was repugnant to humanity, as being opposed to liberty and to right, using the word in its legal sense. It was an instrument in the hand of Tyranny against innocence. On this account Coke, with deference to that abstract equity which is the ultimate end and loftiest consideration of law, had declared emphatically against it, and had emphasized the law itself. For it was clear that if the law was so tender of innocence, that it would not permit fetters even for safe keeping, it assuredly would not permit such severe punishments as the rack.

But in opposition to the law it would seem that the King maintained among his prerogatives, the right to inflict Torture ; to issue a warrant, enforcing its use ; and that under and by this prerogative the infliction of Torture in its several forms, had degenerated into a custom in the times of the Tudors.

In this custom, and not in any law, then, must we find Bacon's justification, if it exists at all ; and for the purpose of sifting it, we may fairly divide it into the Use and Abuse of Torture.

First, the use. Judged by Coke's law, it is obvious no use could arise. It was utterly and fundamentally an abomination. But it is also manifest, that it was frequently employed, and that at a period when, at the mere will of the Monarch, or at the instance of an ordinary, a citizen could be brought to the stake and burned, without any legal trial ; too nice a spirit of justice or humanity, in

* Blackstone, vol. iv., pp. 458, 459.

practice, must not be insisted on. Its employment in cases where evidence was withheld, or believed to have been withheld, for the discovery of accomplices in heinous crimes, as justified by precedent, must therefore be held as its use. Its employment for base, or purely tyrannical, or selfish ends, on innocent persons, must be held as its abuse.

Torture during the reigns of Edward VI., Mary, and Elizabeth, had undoubtedly degenerated into a custom. On this point Mr. Hargraves—wise and learned authority that he was—was clearly wrong, and Mr. Jardine as indubitably right. The statistical evidence of the number of warrants issued settles the point. Nearly fifty persons were racked in as many years,—probably a few more, possibly a few less. This use would go far to exonerate any individual of specific or particular cruelty, or at any rate of so much exceptional cruelty as to excite wonder or execration. For although more than as many murders were undoubtedly committed during the same time, and yet each murderer held obnoxious to public justice, the warrants of Torture during this period, bore on their face the names of many eminent judges, lawyers, and statesmen. On this account mere use would not be very odious, though undeniably culpable. While it is also obvious, that if that individual possessed unusual or extraordinary powers of reason, or discrimination, a larger sense of justice might fairly be expected of him, a greater refinement, a more complete abhorrence of cruelty, and that to some extent education and reason must be taken as proof in the same ratio of innate depravity of heart.

At this point would arise, then, the question of abuse—in other words, its exceptional use. First, on innocent men—innocent of the particular crimes with which they were charged. Secondly, on persons of limited criminality, as opposed to its use on old, hardened, and inveterate malefactors; and thirdly, its excessive and cruel application.

And on either of these grounds, with every argument of usage and precedent in its favour, its adoption would of course imply criminality. And on all of these grounds, its use might still be aggravated, by the motive or intent of the person employing it.

As thus: it might be ordered in passion, in ignorance of its severity, or with both combined; or with a belief, erroneous, certainly, but honest, of its efficacy in the cause of truth; or with a view to its really furthering justice. In times of war, or of public danger, a disinterested purpose might qualify the enormity; while, on the contrary, its employment for base, nefarious, or purely selfish ends, would considerably aggravate the detestation with which we must regard its adoption.

Unhappily, judged by every one of these considerations, Lord Bacon's racking of Peacham falls into the very lowest category, but one—combines in itself every element of aggravation here indicated, and in itself, is so conspicuously monstrous in its features as to be capable of no exaggeration. It was on an innocent man. It was not on a notorious criminal. It was in no period of public commotion. It was for no public end. It was not for justice' sake. It was from a purely selfish and interested motive. Not blindly, or in passion, or with ignorance, but deliberately, with pause, and effect, by one of the most acute reasoners and most highly-educated men of his day; and here we may again turn to the facts.

By reference to Mr. Jardine's exhaustive reading on the subject, we find that in a space of nearly a hundred years, extending from 1551 to 1650, more than fifty warrants of Torture were issued, and on these something like fifty-five persons were subjected to the ordeal, before the accession of James.

That these victims were for various offences: for murder, for the detection of accomplices in robbery, for misdemeanours of notorious felons; and, chiefly about the year 1580,

in the cause of religion for saying of mass, &c., and for the treasonable practices which at that time Catholic tendencies were presumed naturally to imply. That between the accession of James, and the year 1620, three cases only of Torture appear,* and in two of these Bacon was the prime adviser and actor in chief; and that from that date to the present time, amid all the cruelties of the civil war, only three other cases are known to have taken place in England, although in the various continental nations of Europe, the custom was upheld till a much more recent date.†

During the whole of Elizabeth and James's reign it cannot be doubted that public feeling was directly opposed to its use. That the opinion of all lawyers was against it, and so far as can be ascertained, the use, though not without precedent, was even then looked on as an abuse; as an unlawful and arbitrary usurpation of power; or, like many other indignities then practised on prisoners, to which publicity was not given, as an infraction attempted in the imperfect state of the law, and because the law was insufficient to protect the prisoner. As violent and as really illegal and improper, as the cruelty of a turnkey, or a governor, or the occasional barbarity of a warder or keeper would be considered to-day.

And as this may be doubted and disputed, it will be as well to advert to the general argument which is and has been often adduced, with great ignorance: that the age was cruel and barbarous, bloody and vindictive, and must not be judged by the usages and humanity of to-day—an *ad captandum* solution founded on cursory and inexact acquaintanceship, and in some respects singularly erroneous.

The sports of Elizabeth's day were barbarous. As bar-

* In addition to that of Fawkes, not by warrant, but by written direction of the King.

† Torture was not abolished in France till October 9, 1789; Russia 1801, Bavaria and Wurtemberg 1806, Hanover 1822, Baden 1831.—Jardine, p. 31. I have, moreover, read in a newspaper, some years ago, that it was used as lately as 1799 in Ireland.

barous on the score of mere inhumanity and undefiled cruelty, as many phases of field sports are to-day. The criminal punishments were severe. The populace was ignorant and cruel. And yet so much more do men err from want of thought, than from want of heart, from carelessness than from intentional cruelty, that it would not be difficult to show, that the educated classes were not less humane than they are in the reign of Victoria. In a passage already adverted to in Ascham's 'Schoolmaster,' we find men disputing on scholastic discipline, with many similar arguments of humanity or of expediency, to those they would hold to-day; while the acts of individuals were refined by as lofty a charity in the cases of Essex, Sidney, and Southampton, as they would be now. The attempt to stigmatize the age generally as cruel, or determine the special accusation by a merely vague and general statement, is in the highest degree improper. The sports of the populace were some of them cruel and debasing, because cruelty was not interdicted. The absence of interdiction may have as much arisen from want of strength in the Executive, as want of will. Moreover, a certain time, and even a commensurate license, is required to prove any evil, and to legislate against it. Without penal enactments the sports of that day would be as popular and as freely recognized among the same classes in this, as in the 16th, century. Legislation was less explicit, as well as being less comprehensive, than it is at present. For this reason, though it may be admitted that the age was cruel and intolerant, because the relative mass of the uneducated population was larger, yet it must be insisted that among the cultivated classes as great a humanity, and as thorough a dislike to cruelty existed then as now.


As proof of this, we have the instance, among others, that Sir Thomas Smith, in Elizabeth's day, desired to be exonerated from the misfortune of being officially obliged to attend the administration of Torture. Next, that all the

law-writers declared emphatically against it; and, finally, that in the case of Felton, the assassin of Buckingham, in the year 1628, the King declining to order Torture, as was usual, by his prerogative—the judges declared unanimously, and with one accord :—That it was against the law; “for no such punishment is known or allowed by our laws,” and that it could not and should not, be attempted.

To sum up, therefore, we find, first, that Torture was directly opposed to legal jurisdiction, and that any person acquainted with the law, or in anywise its guardian, was directly criminal in violating its behests, and could in nowise stand excused.

That, on the other hand, the King maintained a power in conflict with the law, and that, contrary to Mr. Hargraves’ opinion, expressed in the State Trials, and in the words of Mr. Jardine, the instances of Torture which may be adduced from the Council Book, “seem to show that it was a practice handed down and justified by a constant source of precedents, as an unquestionable prerogative of the crown, *though directly opposed to the fundamental principles of reason and law*, and condemned or denounced by the opinion of the wisest statesmen and lawyers, at the very time they were compelled to act on it.”

From all which I deduce, first, that Bacon was not without justification in his use of the rack. That other lawyers before and during his day were associated by royal mandate in similar infamy. But that his case was in some respects exceptional, as we find him proposing its adoption in one cause, and in another actively superintending its application, while the other judges, Coke among the number, were expressing strong opinions against the practice, and, in his lordship’s own words, were inclined to make “for the cockboat” to escape its scandal. Next, that in its adoption he voluntarily was guilty of what was then regarded as an exceptional act of cruelty, directly in opposition to the laws he was bound to main-



tain and uphold. A cruelty which might be illustrated by some of the arbitrary licenses attempted by prison officials in the exercise of unrestrained authority, in our own time, but which on all hands must be held inexcusable, if not indefensible.

Next, that there were peculiarly flagitious features in each administration of the penalty, with which his name is associated, inasmuch, as while all ordinary applications of this ordeal were, on known criminals, or notorious malefactors, or persons singled out by religious intolerance, his victims were men obnoxious on neither of these grounds. That they were racked in periods of comparative repose. That one at least of his victims was known to be an innocent man; and that, finally, the crimes were heightened by the circumstance that the person urging it knew that the act was illegal. That it was in contravention of the law. And that the step was dictated by no plea of public policy, but by the basest motive of personal advantage. That it was not attempted under pressure or command, and defensible on the ground of duty, but that at least in one, if not in both cases, the act proceeded by direct inspiration from Francis Bacon, the philosopher.

Thus, with certain justification, I leave the case very strong in proof (I would it were not so) of the great statesman's criminality.

The modes of torture, according to Lingard,* derived from Tanner's '*Societas Europæa*,'† were four.

1. The Rack.
2. The Skevington's Daughter (called the Scavenger's Daughter).
3. The Gauntlets, or Manacles.
4. The Cell of Little Ease.

1. THE RACK was a large open frame of oak, raised three

* Vol. vi., p. 688.

† Page 18.

feet from the ground. The prisoner was laid under it, on his back, on the floor; his wrists and ankles were attached by cords to two rollers at the end of the frame; these were moved by levers in opposite directions till the body rose to a level with the frame. Questions were then put, and if the answers did not prove satisfactory, the sufferer was then stretched more and more, till the bones started from their sockets.

2. SKEVINGTON'S DAUGHTER was a broad hoop of iron hinged together. The victim (bent double) was compressed within its circumference till the blood started from his nostrils. "Sometimes, it was believed, from the hands and feet."

3. GAUNTLETS. These could be contracted at pleasure, by means of a screw. The victim, with his hands inserted in these and his wrists compressed, was suspended by them from a beam, with his feet from the ground.

4. LITTLE EASE was a cell in which the prisoner could neither stand, walk, sit, nor lie in it at full length; the victim remaining in this durance for several days.

NOTE ON THE STORY OF THE RING. (*Vide* p. 236.)

In deference to the modern mode of writing history, in which novelty is the great aim and end, and of which the ordinary recipe is simply to deny everything that has been hitherto believed, the story that Essex confided a ring to Lady Nottingham after his trial, to be delivered to the Queen as a pledge of his submission, is discredited. It matters little, but surely there is nothing inconsistent with the Queen's affection for her young kinsman that in happier days she should have confided to him a ring, and that he in the hour of extremest need, unwilling to make a long statement of his faults or of his repentance, should attempt to make this old proof of affection do duty as a messenger for mercy. The story comes commended to us on fair evidence. Its denial has neither philosophy nor reason to support it. Simply novelty. It existed in report a very short time after the Queen's death; it has been sub-

stantiated by several independent witnesses, professing to have received their information from contemporary sources. If these witnesses, whose motives are not impeachable, aver truly, their informants could not have been in collusion.

The first notice we have of the existence of the story was by an allusion by Lord Clarendon, "to a loose report," existing probably before the year 1620; the next in a pamphlet entitled, 'The History of the most renowned Queen Elizabeth, and her great favourite, the Earl of Essex,' in two parts. A Romance, printed probably about the year 1650, in which the Queen is represented as saying, "Keep this as a pledge of my kindness, which I conjure you to keep in the state it is in; and on that condition I promise you, never to deny you, anything you desire of me, when you show me this ring, though it cost me my life and my fortune." This is, of course, as it professes to be, the mere language of romance; it is certain that the Queen did not employ the phraseology here set down; it is most probable that there were no conditions attached to its gift, but that simply a ring was given, which ring, returned by Essex, was detained *in transitu* by Lady Nottingham.

To corroborate this view, we have the testimony of Lady Spelman, who derived her information from Sir Robert Cary, afterwards Earl of Monmouth;* and that of De Maurier, derived from Sir Dudley Carleton, Ambassador at the Hague, through his father, a friend of Sir Dudley; but it is right to say that neither of these accounts were published for more than fifty years after Elizabeth's death. De Maurier's account is sufficiently circumstantial, and is to this effect.

"Que la reine Elisabeth donna une bague au Comte d'Essex, dans la plus grand ardeur de sa passion, lui disant qu'il la gardât bien; et quoiqu'il pût faire, en lui rendant ce dépôt, qu'elle lui pardonneroit."

It is, of course, possible that both these stories were

* See 'Devereux Lives and Letters,' vol. ii., p. 181. By the Hon. Walter Bourchier Devereux. Murray, 1853. Mr. Devereux says that the history of the ring is also related in a little book called 'The Secret History of the renowned Queen Elizabeth,' not being perhaps aware that this last-named pamphlet is merely a reprint, with alterations, of the work alluded to above. Sold by Bates, Sun and Bible, Giltspur-street.

derived from one source, the narrative of the Romance, but it is most improbable that they should have been: the circumstance itself was not one likely to suggest itself to the romance writer, who was in his narrative merely reproducing, with imaginative additions, a well-known story of the day. While the difference in their asserted origin, as well as the qualifications of the actual narrator's witnesses, both conspire to establish an independent testimony, and a separate and unimpeachable source for each declaration.

On the other hand, the fervid and romantic nature of the attachment, Essex's behaviour and language on his trial, the Queen's excessive grief after his death, and her swift decline in health immediately after her interview with Lady Nottingham, the character of her lamentations on her death-bed, no less than the concurrent belief of her courtiers, all tend to show that such an incident was not impossible, though, as before indicated, the material circumstance is barely of sufficient importance to make the argument material. Enough reason, however, is shown to warrant those who are weak enough to prefer believing, what their ancestors believed, that they may allow their opinion to remain much the same as before, without any imputation of improper credulity.

THE END.



